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House of Representatives

The House met at 10 a.m.

Rev. Fred Lucci, Director, All Saints Catholic Newman Center, Arizona State University, offered the following prayer:

Gracious and loving God, creator and source of everything that is good, You have blessed us in ways beyond anything we could have imagined for ourselves. Please always keep us mindful that every good thing we have, every possession, every talent, every relationship, our health and very life itself is a gift from You. Mindful of these blessings, make us always-generous people in Your own image.

Look now upon this assembly and fill them with the spirit of Your wisdom. May every decision they make reflect Your goodness, promote and protect the dignity of every member of our society, especially the weakest and most vulnerable among us, and be for the peace and well-being of all.

Finally, loving God, we place into Your healing hands our brother, Senator EDWARD KENNEDY. Please give him strength and comfort him, his family, and all who love him.

We ask You this in hope, Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Minnesota (Mr. WALZ) come forward and lead the House in the Pledge of Allegiance.

Mr. WALZ of Minnesota led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

H.R. 2517. An act to amend the Missing Children's Assistance Act to authorize appropriations; and for other purposes.

H. Con. Res. 354. Concurrent resolution recognizing the 100th birthday of Lyndon Baines Johnson, 36th President, designer of the Great Society, politician, educator, and civil rights enforcer.

The message also announced that the Senate has passed a bill and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 431. An act to require convicted sex offenders to register online identifiers, and for other purposes.

S. Con Res. 79. Concurrent resolution congratulating and saluting Focus: HOPE on its 40th anniversary and for its remarkable commitment and contributions to Detroit, the State of Michigan, and the United States.

WELCOMING FATHER FRED LUCCI

The SPEAKER. Without objection, the gentleman from Arizona (Mr. MITCHELL) is recognized for 1 minute.

There was no objection.

Mr. MITCHELL. Madam Speaker, my guest today, Father Fred Lucci, is the Director of the All Saints Catholic Newman Center in Tempe, which I have attended for more than 40 years.

I am proud Father Fred, as those of us in Tempe call him, could join us today because he is my pastor and my friend. In fact, he is a friend and mentor to the thousands of parishioners at the Newman Center.

Father Fred has a good heart and a special gift. While it may be easy to provide guidance to long-time parishioners like myself, Father Fred continues to have a positive influence on the lives of thousands of students at Arizona State.

In the 1980s, freshman Fred Lucci arrived at Arizona State University's campus with a music scholarship and his clarinet. His ability to connect with students has endured today. Today, Father Fred is a fixture on campus, easily recognized, eager to listen, and always faithful and helpful in guiding students to strengthen their own spiritual relationships. He has led humanitarian missions and pilgrimages that have lifted the souls of all who participate.

Throughout his years in the priesthood, Father Fred has helped students who need it most find their strength within. In the process, he has made Arizona State a more compassionate campus one student at a time. And he has built a parish that has helped shape Tempe into a more decent and caring community.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

POLITICALLY AND RELIGIOUSLY CORRECT SPEECH—IN EUROPE

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

Mr. POE. Mr. Speaker, freedom of speech is one of the most basic of all human rights. However, more and more European countries are arresting individuals for insult speech. Speech to be free must allow individuals to criticize religion and government.

The first amendment protecting speech and press is first because it's the most important. But in Europe, speech must be politically and religiously correct. Criticize or insult another person's religion and you're likely to be hauled off to prison thanks to

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the speech police. After all, heaven forbid, offensive or insult speech may hurt somebody's feelings.

In Germany, an insult to a religion can be a crime worthy of imprisonment. Recently, a 61-year-old German businessman was convicted and sent to jail for offending Islam. The same thing happened in Britain where Nick Griffin was prosecuted for describing Islam as a ''vicious and wicked faith.''

Free speech must be universal. If controversial issues like religion and politics cannot be debated in countries, the people are not free, even in Europe.

Teddy Roosevelt once said, ''Free speech, exercised both individually and through a free press, is a necessity in any country where people are themselves free.''

And that's just the way it is.

THE DOLLAR IS WEAKENING

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

Mr. KUCINICH. The great amount of borrowing this country is doing from nations like China, Japan and Korea is weakening our dollar. Many of us know that we're borrowing money from China to prosecute a war in Iraq.

So with a weakened dollar, we're seeing a contribution here to the increased cost of crude oil. The weaker the dollar, the higher the price of crude oil. Today, the price of crude oil is about $130 a barrel. We're looking at gasoline this summer perhaps as much as $5 a gallon.

We need to change our economic direction. We need to strengthen our dollar. We need to change our monetary policy and stop borrowing. We need to go after these oil companies, not only in international courts with antitrust action, but we need a windfall profits tax. And if that fails, we need to have an honest discussion in this country about why we let the oil companies control the economy anyway.

Why don't we start looking at ways to take back the power of the people so that we can have control of our own destiny?

COUNTY PAYMENTS: HOOD RIVER COUNTY, OREGON

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

Mr. WALDEN of Oregon. Mr. Speaker, by refusing to renew the county payments program, Congress has broken its promise to rural, timbered America.

I've told you in the past about Harney County, a county that has 78 percent of its land mass, the size of New Jersey, all Federally controlled, 70 percent of its road budget affected by this law that has not been reauthorized.

Let me tell you today about Hood River County, where Congress' failure to act to renew the county timber payments program has forced this county to develop multiple county budgets because we don't know what's going to happen in my home county. One thing is for sure, though, the county annually uses up to $130,000 of Federal forest payments to fund search and rescue operations in the Mount Hood National Forest and Mount Hood itself. You see, Hood River County is responsible for most of the search and rescue operations on that great mountain, and now those costs will be borne by the county because the Federal Government is shirking its responsibility.

That could change. We could pass H.R. 3058, a bill to reauthorize county timber payments. It has been on the Union Calendar for 127 days, held hostage by this leadership. The Democratic leadership refuses to bring it up for a vote.

Make good on the Federal promise. Let us vote on H.R. 3058.

THE HOUSING CRISIS

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

Mr. HODES. Mr. Speaker, with nearly 8,000 foreclosures being filed daily, there is no question that Americans continue to fear losing their homes. In my home State of New Hampshire, it is predicted that nearly 4,300 families will lose their home by 2009.

This month, the House passed landmark housing legislation that will address the housing crisis directly, stabilize the housing market, and make a real difference for families at risk of losing their home. The bill will also help revitalize communities that have become vacant because of high housing foreclosure rates.

We are also working to provide relief to families struggling under the burden of higher gas prices and soaring costs for food and health care.

Mr. Speaker, we cannot fix our struggling economy until we address the housing crisis, but the Bush administration has ignored this growing problem for far too long.

I hope that President Bush and his allies will reconsider their opposition to our commonsense housing package so we can provide hope to the millions of Americans struggling in President Bush's recession.

□ 1015

IN MEMORY OF SERGEANT FIRST CLASS GEORGE KOON

(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. Mr. Speaker, last Saturday I had the honor of attending a memorial service celebrating the life of Sergeant First Class George Walter Koon. Sergeant Koon was a soldier of the United States Army Infantry during the Korean War. He was a POW murdered while in captivity in 1951, but his body remained unrecovered for over half a century. It was not until recently that the hard work of his family and the Department of Defense helped positively identify Sergeant Koon and return him from North Korea to his family in Leesville, South Carolina.

The life and story of Sergeant Koon is an example of tremendous courage and commitment. His brother Reverend Carl Koon correctly stated that ''freedom isn't cheap and it isn't free.'' His sacrifice and that of his fellow American soldiers will never be forgotten to liberate dozens of countries so that more people today live in free market democracy than ever in the history of the world.

The memorial service was conducted by Reverend John McKeown and Reverend George A. Koon, nephew namesake of the deceased hero, at the Old Lexington Baptist Church of Leesville. He received full military honors.

In conclusion, God bless our troops, and we will never forget September the 11th.

IN HONOR OF B'NAI ISRAEL AND THE TOWN OF SOUTHBURY, CONNECTICUT, FOR THEIR OUTSTANDING COMMITMENT TO HUMAN RIGHTS

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

Mr. MURPHY of Connecticut. Mr. Speaker, in 1937 the residents of Southbury, a small town in Connecticut, came together to prevent the German American Bund, a group of pro-Nazi German Americans, from establishing a paramilitary training facility in their town.

Led by Rev. Felix Manley of the Southbury Federated Church and Rev. M.E.N. Lindsay of the South Britain Congressional Church, the town of Southbury passed its first zoning law to ban the use of land in Southbury for paramilitary training.

As a great Jewish writer once said, ''The opposite of love is not hate, it is indifference.'' Mr. Speaker, it gives me a great sense of pride to represent the town of Southbury, where this May 31, 2008, the congregation of B'nai Israel will host the Human Rights Festival, honoring the courageous acts of those citizens some 71 years ago and renewing the town's commitment to justice. The proud legacy of the religious community in Southbury and the work of B'nai Israel to recognize that legacy serve as a reminder to all of us that change and progress must come from the bottom up.

NBC SHOWS BIAS

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

Mr. SMITH of Texas. Mr. Speaker, this week NBC News aired an interview with President Bush in which it removed key statements from the President's response to a question about diplomatic relations with Iran.

While some editing is to be expected, in this case NBC misrepresented the President's response so that it appeared he agreed with the premise of the question when, in fact, he explicitly disputed it.

The White House says NBC's ''deceitful editing'' was intended to perpetuate a ''media-manufactured storyline'' about Iran.

The American people deserve to know the President's complete statements on major foreign policy issues. We rely on journalists to provide this information through fair and impartial reporting. The American people rightfully expect the media to give them all the facts, not just a slanted version.

THE GI BILL

(Mrs. BOYDA of Kansas asked and was given permission to address the House for 1 minute.)

Mrs. BOYDA of Kansas. Mr. Speaker, without the 1944 GI Bill, I would not be standing here today.

The GI Bill educated my dad after he came home from World War II. And today is his 86th birthday; so happy birthday, Dad.

The GI Bill paid for his tuition, his room, his books, some living expenses. It paid for his college degree. It helped him lift our family from the Depression into the middle class, and it offered my two brothers and me a brighter future.

Millions of Americans have stories that are just like mine. In all of the many ways that America shows gratitude to our veterans, the GI Bill has to be one of the greatest.

I was honored last week to vote to extend and to renew the GI Bill to the new generation of veterans that are coming home. The GI Bill was always meant to be a permanent promise, a contract with our soldiers, a bill of rights for our veterans. And I certainly urge the Senate and the President to pass this bill into law as soon as possible.

Happy birthday, Dad.

TRIBUTE TO ARMY SPECIALIST JEREMY R. GULLETT

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

Mr. DAVIS of Kentucky. Mr. Speaker, today I rise to pay tribute to Army Specialist Jeremy R. Gullett from Greenup, Kentucky, a dedicated soldier who lost his life on May 7, 2008, in the Sabari District of Afghanistan. He was assigned to the 4th Battalion, 320th Field Artillery Regiment of the 101st Airborne Division based out of Fort Campbell, Kentucky.

According to his mother, Cheryl, Jeremy had dreamed of joining the service since he was 6 years old. While attending Greenup County High School, Specialist Gullett was a member of the school's Junior ROTC program. He joined the Army in 2003, shortly after graduating from high school. Jeremy was a model citizen. Not only did he serve our country abroad, he was also a volunteer fireman; a loving father to his two young daughters, Kaye and Katie; and a dedicated husband to his wife, Janeth.

Today, as we celebrate the life and accomplishments of this exceptional Kentuckian, my thoughts and prayers are with Jeremy Gullett's family and friends. We are all deeply indebted to Specialist Gullett for his service and sacrifice.

DEMOCRATS CONTINUE FIGHT TO LOWER GAS PRICES

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

Mr. ALTMIRE. Mr. Speaker, with gas prices reaching a new record high every day, Congress took strong action last week to bring down the price at the pump by passing legislation to suspend filling the Strategic Petroleum Reserve through the end of this year.

After initially opposing the proposal, President Bush signed the bill into law yesterday. He had the power all along to stop filling the SPR, but it took an act of Congress to push him to take this commonsense step, a step that could lower gas prices by up to 24 cents a gallon.

While the Bush administration has allowed crude oil to rise from $25 a gallon when he first took office to $130 a gallon today, the Democratic Congress is fighting to reduce our dependence on foreign oil, bring down record gas prices, and launch a cleaner, smarter energy future for America.

Today this House will consider legislation that will retain and create hundreds of thousands of green energy jobs and encourage the use of production of renewable energy. While President Bush continues to call for more of the same policies that have failed for the past 7 years, this Democratic Congress is working for an energy independence plan for America.

MAIN STREET USA ENERGY INDEPENDENCE SECURITY ACT

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

Mr. BARRETT of South Carolina. Mr. Speaker, I am tired of the majority party talking about introducing a commonsense plan for our growing energy crisis. Common sense or not, I'd be happy to look at their plan if they had one. But they don't. They have demonstrated to families who are wasting their money on the price of gasoline that they have failed to come up with a plan.

I don't want to let those families down, Mr. Speaker, and I don't want them to think that Members of Congress are sitting on their hands doing nothing that's affecting their cost of living. So last week I helped Congressman BUYER announce the Main Street USA Energy Independence Security Act of 2008.

This plan will help solve our national security problem and guide us away from being reliant on international energy sources. It will also open up domestic exploration on our own soil to find energy sources here at home.

The best thing about the Main Street Energy Act is that it is a plan. And let's put the plan to work now.

GAS PRICES

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, the phones in my office have been ringing off the hook. Constituents are hopping mad about the skyrocketing price of gasoline.

In Dallas in just the last month, the price for a gallon of gas has jumped 30 cents. And that's in Texas, where we drill and explore on land and along the coast.

It's about time for the Congress to take action. In fact, it's past time.

Two-thirds of the oil we use comes from foreign countries. We have oil and gas in the United States, but we have to be willing to move forward with exploration. Congress should allow exploration in Alaska, along the eastern seaboard, the west coast, and allow more refineries to be built.

The answer to rising gas prices is right here in America. We have the technology. We have the resources. The time is now. Democrats in Congress need to step aside and let the ingenuity of Americans solve this problem today.

IN SUPPORT OF THE LOW INCOME HOME ENERGY ASSISTANCE PROGRAM

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

Mr. YARMUTH. Mr. Speaker, I rise in strong support of the Low Income Home Energy Assistance Program.

LIHEAP, which provides crucial heating and cooling assistance to millions of hardworking, low-income families all across America, grows more important as fuel prices continue to skyrocket and we head toward another hot summer. Already families who qualify for LIHEAP spend, on average, a fifth of their income on energy costs. For hundreds of thousands of Americans, that figure will continue to rise until the electricity is simply shut off.

Still, rather than rising to the occasion, this government has backed away from our responsibilities to those families. Even as prices soar and LIHEAP applicants have increased by 20 percent, the average LIHEAP grant has

dropped by 20 percent, leaving millions without the full assistance to which they are entitled and millions more without any help at all.

In my hometown of Louisville, I hear from people who work hard every day with less to show for it. Seniors, who deserve to live out their golden years comfortably, now face the choice of paying for medicine, food, or energy.

I urge my colleagues to join me in supporting full funding for this crucial program so that millions of LIHEAP-qualifying Americans won't be left alone to face potentially life-threatening heat this summer.

ARMENIAN REMEMBRANCE DAY

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

Mr. LAMBORN. Mr. Speaker, I rise to commemorate Armenian Remembrance Day and remember the 1.5 million Armenians annihilated during the final years of the Ottoman Empire, to recognize the 60th anniversary of the Universal Declaration of Human Rights, and to reflect on the continuing violence in places like Darfur, Kenya, and Zimbabwe.

In addition to the genocide of Armenians, the 20th Century bore witness to the loss of 6 million Jews and 400,000 other persons deemed ''nondesirable'' by the Nazis and the modern-day horrors in Cambodia and Rwanda. Unfortunately, and all too often, we have not learned from past genocides. A vicious circle of noninvolvement and noninterference continues.

Today I wish to recall the past in order to bring about hope for a brighter, more peaceful future and reconciliation of the people of Armenia and Turkey. Only through a thorough examination of history and open acknowledgment of the past will the plight of the Armenians be fully understood.

And as we continue confronting atrocities taking place today and seek to prevent them from occurring in the future, we must also be resolute in acknowledging genocides of the past.

THANKING REPUBLICANS FOR SUPPORTING THE NO OIL PRODUCING AND EXPORTING CARTELS ACT OF 2008

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

Mr. KAGEN. Mr. Speaker, I rise today to thank my colleagues on the Republican side of the aisle and in particular Representatives RYAN, SENSENBRENNER, and PETRI from Wisconsin for joining me in passing this bill yesterday. It's called the ''No Oil Producing and Exporting Cartels Act of 2008.''

For 7 years the Cheney and Bush administration has done nothing, nothing at all to break up the oil cartels overseas. They have done nothing to reduce the cost of our gasoline at the pump. And wherever I have been in Wisconsin, from Green Bay to Appleton, from Marinette to Minocqua, and everywhere I go in northeast Wisconsin, people are saying, ''Kagen, there are two things you can do to put more money in my pocket: Cut the cost of gasoline and reduce our health care costs.'' And this bill, voted on and supported by 103 Republicans in a bipartisan manner, will help to do just that. It will make it illegal for anyone to conspire to raise our price of gasoline.

Thank you, thank you, my Republicans, for supporting me in this act.

□ 1030

EXPAND OIL PRODUCTION

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

Mr. MCCRERY. Mr. Speaker, I was driving my 14-year-old son to school this morning, listening to the radio, and it mentioned that the price of oil had increased to over $130 a barrel. My son said, Dad, why don't we just tell OPEC to produce more oil? I thought about it and I said, Well, son, as a matter of fact, President Bush was over in Saudi Arabia the other day and asked if Saudi Arabia would increase its output.

But I suspect that the leaders of OPEC might turn that question around on the United States and say, Why doesn't the United States increase its output of oil?

The answer is Democrats have blocked every commonsense effort to expand production in this country for years now, and it's time for that opposition to stop and face reality. We need a balanced energy program in this country, one that recognizes that for the immediate future we are going to need oil and gas, and, yes, we need to develop alternative fuel sources as well. But you can't do just one. You have to do both.

CYBERBULLYING

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

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise today to address a growing national trend, cyberbullying.

Many of us know of the dangers our kids already face online: predators, fraud, and sexually explicit material. Now children are also facing online bullying. When a young person is ridiculed or threatened online, it can have severe and even tragic effects.

A perfect case in point is Megan Meier, a St. Louis teenager who made friends with a young man named Josh online. The friendship soon deteriorated, with Josh telling Megan, ''The world would be better off without you.'' Megan Meier committed suicide.

Six weeks after Megan's death came the horrifying news that Josh was actually just an alias created by the mother of one of Megan's former friends. At the time of Megan's death, cyberbullying was not considered a crime. The adult responsible for the hoax went unpunished. Recently, Federal charges were filed, but the prosecutor had to be creative because Federal law is inadequate. That is wrong.

Congress must act soon to send a clear message: Online actions have offline consequences.

WAR FUNDING BILLS SHOULD BE ABOUT WAR FUNDING

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

Mr. PENCE. I think war funding bills ought to be about war funding. Last week, the Democrat Congress tried and failed to pass an Iraq funding bill by piling billions of dollars in unrelated domestic spending and higher taxes on the backs of our soldiers. But because House Republicans took a stand, the American people could plainly see that the majority of the majority is willing to cut off funding to our soldiers, even when they are in harm's way.

With Memorial Day just around the corner, this Congress should stop playing politics with funding for our troops. We should pass a clean Iraq funding bill, legislation authored by Representative JERRY LEWIS of California, and we should pass it this week. As we prepare to remember the heroes of conflicts past, let's make sure that today's heroes have the resources they need to get the job done and come home safe.

DEMOCRATS PUT TROOPS AND VETERANS FIRST WITH NEW GI BILL

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

Mr. ARCURI. Mr. Speaker, last week, Congress, with strong Democratic support, passed the new GI Bill, which provides all veterans of the Iraq and Afghanistan wars the promise of a full 4-year college scholarship. The bill makes veterans a part of the American economic recovery.

The original GI Bill in 1944 allowed millions of families to achieve the American Dream. It also set our economy on the right course after World War II. For every dollar spent on the GI Bill, $7 were returned to the economy. A similar economic spark is needed today. You would think that the new GI Bill would gain the support of President Bush. But he opposes it. Unfortunately, the vast majority of House Republicans opposed the bill when it was on the floor last week. We must make sure that the brave men and women that we are sending off to battle have everything they need and deserve when they return home.

Mr. Speaker, House Democrats vow to never leave a veteran behind after returning from war by ensuring that they receive the quality care and benefits they have earned. That includes living up to the promise of providing them access to quality higher education.

PIONEER MIDDLE SCHOOL

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

Mr. KUHL of New York. Mr. Speaker, I rise today to recognize Pioneer Middle School located in Yorkshire, New York. Last month, Pioneer Middle School was recognized as one of two Essential Elementary Schools to Watch in New York State. Pioneer is the first middle school in western New York to achieve this prestigious honor. Presently, only 10 middle schools in all of New York State have achieved this recognition over the past 4 years.

This award exemplifies the talent and dedication that these educators and parents demonstrate every day. The school has shown tremendous progress since being named a School in Need of Improvement by the Department of Education in 2004.

As these teachers, students, and parents gather to celebrate this wonderful accomplishment, I want to offer my sincere congratulations. Let the Pioneer Middle School serve as a beacon for schools around the Nation to see that excellence and success comes from devoted teachers and parents.

NATIONAL TEACHERS DAY

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

Mr. PERLMUTTER. Mr. Speaker, last week, we celebrated National Teachers Day. That day represents one small token of our Nation's gratitude for the long hours and hard work our teachers endure to prepare our students for future endeavors. As a product of the Jefferson County, Colorado public schools, I can attest to the wonderful influence educators have had on my life, as well as on the lives of my three daughters.

I believe we as a Nation cannot thank enough our men and women currently serving in our public education system, such as my sister Cassie, for all that they do. I particularly want to take a moment to recognize the teachers in Adams, Arapahoe, and Jefferson County, Colorado, who enrich the education of our children and have a positive impact on our communities.

We must continue to invest in our public schools and colleges and ensure our educators have the tools and resources they need to give our children the high quality education to succeed in this increasingly competitive economy. Our teachers are dedicated, valuable public servants whom we owe a sincere debt of gratitude.

WAITING FOR AN ENERGY PLAN

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

Mr. MICA. Mr. Speaker and my colleagues, the Democrats have had control of the Congress now for a year and a half. We are still waiting for an energy plan. We are going to celebrate Memorial Day this weekend. We are still waiting for an energy plan. What have the Democrats done so far as an energy plan? Well, let's just take a look at it.

This is a spoon from the House cafeteria. They bought this spoon at great expense to the taxpayers, and it is a green spoon. In fact, it melts in your coffee. This is Exhibit 1. What have the Democrats done when gas is $4? Well, go down to the gift store and you will see these Green the Capitol bags. So now we have, at greater expense to the taxpayer, printed these little Green the Capitol bags.

Now what is the centerpiece of their energy policy when you're going to pay $4 a gallon and more around the country for gasoline? They are going to change the light and green the light on the top of the Capitol. Just the study, I'm told, is going to be $800,000, and then millions of dollars. And $4 gas.

DEMOCRATS HELP AMERICANS WHO HAVE BEEN HURT DURING ECONOMIC RECESSION

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

Mr. PALLONE. Mr. Speaker, the economic recession has been particularly hard on lower- and middle-income families. But over the last month, this House has passed important legislation that will make a real difference in their lives. These families were already having trouble squeezing enough money out of their monthly paychecks to pay for the basic necessities. Now imagine how much more difficult that is with the dramatic increases in the cost of foods like bread, milk and eggs.

Last week, in strong bipartisan fashion, this House passed a final farm bill that invests an additional $10.4 billion in nutrition programs so that 38 million American families do not have to go hungry. Our constituents are also rightfully concerned about their jobs. Over the last 4 months alone, 260,000 jobs have been lost. Finding a new job is not necessarily easy in today's economy. That is why this House passed an extension of unemployment benefits last week, giving unemployed workers an additional 13 weeks to find a job.

Mr. Speaker, this Democratic House is delivering results that will benefit families that have been forgotten for far too long.

ROADMAP FOR AMERICA'S FUTURE

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

Mr. RYAN of Wisconsin. Mr. Speaker, today I am introducing a roadmap for America's future, legislation to transform our Federal Government, to reform the Nation's health care entitlements, Social Security, and the Federal Tax Code. My legislation does three things: It fulfills the mission of health and retirement security for all Americans by making Medicare, Social Security, Medicaid permanently solvent. Second, it lifts the massive debt burden off of future generations. Third, it promotes solid, sustained economic growth and job creation, and puts the U.S. in a position to lead, not merely to survive in the global marketplace.

This is a real plan, with real proposals, with real numbers to back them up, and real legislation to implement it. I recognize that this is an ambitious proposal. Not everyone's going to agree with every part of it. That is fine. These problems are not Democratic problems and they are not Republican problems, and neither are the solutions.

We need to build bipartisan support for action in Congress. If nothing else, it is my sincere hope that this will spur Congress to move beyond simply rehashing the problem, to debating and implementing actual solutions for the American people.

SUPPLY AND DEMAND

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

Mr. CONAWAY. Mr. Speaker, the New York Times today has got an article predicting $200 a barrel for crude oil in the not-too-distant-future. The laws of supply and demand, the economic law of supply and demand works. This House, led by this majority, has passed bill after bill after bill whose intent and whose implication is to increase the costs to generate energy, whether its electricity or gasoline. Those policies specifically demand higher prices. If there was a cheaper way to generate electricity or drive our cars, we would already be using those cheaper methods.

So the policies are to raise the prices, and the twisted logic is they then come down here and speaker after speaker gripes and complains about those exact high prices, which is the direct result of what their policies are putting in place.

Yesterday, in a staggering twist of illogic, is to pass, as a part of that bill that was passed yesterday, to unleash our Department of Justice on the very producers that we are trying to incent to produce more crude oil and natural gas on an unfettered witch hunt that will cost millions and millions of dollars and result in absolutely zero.

It's wrong policy. The American people need to speak up.

FREE OUR RESOURCES

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

Mr. TERRY. Madam Speaker, free our resources. Our families have to pay $4, almost $4 a gallon to fill up. They are spending $70 just to fill up mid-size cars. We can't take this anymore, but yet we have the resources right here within the United States, whether it's offshore, Alaska, oil shale in Colorado that has been taken off and we can't drill in it. Today, we are going to do tax credits, 1 year of tax credits, that are going to be meaningless to develop biofuels and cellulosic ethanol.

So we have the resources here, my friends, to decrease the price at the pumps by adding more supply, and it's being blocked. It's being blocked by the leadership here. Free up our resources, Madam Speaker.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PASTOR). Members are reminded to direct their remarks to the Chair.

PROVIDING FOR CONSIDERATION OF H.R. 6049, RENEWABLE ENERGY AND JOB CREATION ACT OF 2008

Mr. ARCURI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1212 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1212

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 6049) to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 6049 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

□ 1045

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

Mr. ARCURI. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of this rule is for debate purposes only. I yield myself such time as I may consume. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1212.

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

There was no objection.

Mr. ARCURI. Mr. Speaker, House Resolution 1212 provides for consideration of H.R. 6049, the Energy and Job Creation Act of 2008. The rule provides for 1 hour of debate controlled by the Committee on Ways and Means and waives all points of order against consideration of the bill, except clauses 9 and 10 of rule XXI. The rule also provides one motion to recommit, with or without instructions.

Mr. Speaker, I rise today in strong support of this rule and H.R. 6049, the Energy and Job Creation Act of 2008, which will not only bring this country into a new alternative energy future, but strengthen our economy by directing fiscally responsible tax relief to middle class families, creating jobs at small businesses in the very towns and rural communities where we need it the most.

The legislation this rule provides for consideration of will extend a number of critical tax relief measures targeted at middle class families and small businesses, including deductions for State and local sales tax, tuition education expenses, and expanding the child tax credit and research and development tax credit.

During these uncertain economic times, it is also absolutely critical that we pass legislation to invest in jobs for today and long-term development for tomorrow, including alternative energy like wind and biomass that will reduce our Nation's dependence on foreign oil and bring the price of gas at the pump to a level families and businesses can afford. The best way to encourage growth and development of new technology is to let businesses invest their own money in ways that expand our economic horizons. Tax credits for alternative energy production have the power to truly jump-start our economy and create good paying, highly skilled jobs that can't be sent overseas.

In my upstate New York district, our location, natural resources, renowned colleges and universities and world class scientific and technological companies perfectly poise our community to seize this opportunity to create a new green economy, complete with green jobs.

I have spoken numerous times throughout the debate over how to extend these renewable tax credits and about the new businesses in my district that are utilizing the national investment in alternative energy to create good paying jobs in upstate New York. Those businesses are to be commended, and that is why I am proud to support nearly $20 billion in long-term clean renewable energy tax incentives and investment included in the Energy and Job Creation Act. I hope that doing so will encourage other companies to follow suit, both in our region and across this great Nation.

The underlying legislation extends and modifies critical tax credits for the production of electricity from renewable sources ranging from wind, solar and geothermal energy to closed-loop and open-loop biomass. It would also extend clean renewable energy bonds, efficient commercial building tax incentives, investment tax credit for solar and fuel cell systems, tax credit for energy efficiency upgrades to existing homes, tax credits for production of efficient home appliances and tax incentives for consumer purchases of energy efficient products. Most of these incentives either expired at the end of last year or are set to expire at the end of this year. It is vitally important to sustaining the development of clean energy technology industries that these incentives are extended.

H.R. 6049 also includes an extension of the research and development tax credit that allows companies a tax credit for a portion of their research and development expenditures. Extending the R&D credit is vital to ensuring that America remains on the cutting edge of innovation that keeps our companies competitive and working here, not offshore. This credit is of particular interest to the area that I represent because its extension will further the expansion of the microchip fabrication and nanotechnology industries which are beginning to blossom in our region.

American companies rely on this credit and upon its continuity to adequately plan their long-term research projects. I support this 1-year extension to provide that continuity and I will continue to work with leaders on the committee and in this body to seek a permanent extension that would eliminate concerns over expirations and lapses.

The bill also extends important tax credits for individuals, as well as creating new and expanded credits. It extends for 1 year the personal income tax deductions for tuition and education expenses, the State and local sales taxes, and teachers' out-of-pocket expenses for classroom supplies. The bill creates a new standard deduction for up to $700 for couples to cover State and local property taxes, and expands the eligibility for the refundable child tax credit. Under the child tax credit, certain low-income taxpayers can claim a refundable tax credit equal to 15 percent of their earned income above an inflation-adjusted threshold. In 2008, this threshold is set to be $12,050, but under H.R. 6049 that threshold will be reduced to $8,500, providing increased

relief to more than 12 million families with children nationwide.

Supporting H.R. 6049 comes down to simple common sense. We can create tens of thousands of new jobs, reduce our dependence on oil from hostile regimes, reduce greenhouse gases, spur innovation and provide tax relief to middle class families, and we can do it all—and let me emphasize this—all of those things, without adding to the national deficit.

I urge my colleagues on both sides of the aisle to support this rule and the underlying legislation.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank my colleague and friend from New York (Mr. ARCURI) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, this rule marks the 60th time that the leaders of this Congress have totally closed down the House floor by refusing to allow any Member of this House to offer an amendment to a bill pending and have it debated and voted upon. This is more closed rules than any Congress in the history of our country, which is exactly the opposite of the promise that the Democrat leaders made to the American people when they promised to run the most open and honest House ever.

The House is not open when no amendments are allowed to be offered and when a Republican alternative is blocked from even a minute of debate and denied a vote on the House floor. And it is not in the most honest House when the Rules Committee Democrats block the Republican plan to prevent tax increases from being considered, using the excuse that it doesn't meet House PAYGO rules, especially, Mr. Speaker, when it was just one week ago that the same Democrats were blatantly violating PAYGO rules by billions of dollars in the farm bill. Under this liberal Congress, it is only okay to break the House rules, apparently, when you are increasing spending by billions of dollars, but not by preventing tax increases on the American people.

The Republican plan that was denied, that the Democrats refused to allow the House to vote upon, would provide the following: 1 year of relief from the Alternative Minimum Tax, or the AMT; a 2-year extension of the State and local sales tax deduction for those States that do not have a State income tax; 2 more years for the research and development tax credit; 2 years for the tuition tax credit; and extensions for more expiring tax provisions.

This Democrat bill, for example, does absolutely nothing, nothing at all, to fix the AMT tax for 2008. Twenty-one million middle class individuals will pay an additional $61.5 billion in higher taxes next April if the AMT is not fixed and addressed. That is an average of over $2,800 per affected taxpayer, Mr. Speaker. The Republican plan fully fixes it, but today that fix is not even allowed to be considered on the House floor. Instead, the House is given one choice, and that is a fool's choice bargain to raise taxes by $54 billion in order to simply extend existing tax policies that are due to expire.

Mr. Speaker, current provisions in tax law are expiring, and Congress needs to act to keep these taxes from going up. But, Mr. Speaker, we all know that is no excuse to raise other taxes by billions of dollars.

I and many of my Republican colleagues support a great number of the tax relief extensions included in this bill, including the State and local sales tax deduction, the research and development tax credit, education and tuition tax credits, tax credits for teachers, and several renewable income tax credits. These low tax policies have been law for many years, Mr. Speaker, and they have been extended multiple times, multiple times, and always without raising taxes.

My Democrat colleagues will try to defend their tax-raising ways by invoking the PAYGO rules they ignored just last week. They will claim that this is just being responsible and it is not about increasing the national debt, that it is about government living within its means.

If only that were true, Mr. Speaker. But it is not. All you have to do is to read the final budget plan for next year that this House will vote on later today. Their budget reveals this Congress as what they truly are, and what they truly are, Mr. Speaker, is old time tax-and-spend liberals. In their budget, spending increases by $250 billion over the next 5 years. They increase the debt limit in 2008 by $654 billion, which is the largest increase in history, and they raise taxes by $683 billion, which is the largest amount in American history. More spending, higher debt, record tax increases. That is obviously the plan of this liberal Congress.

Now, my Democrat colleagues will also try to claim the tax increases that are in this bill aren't really that bad. But the facts are the facts, and the facts are that this bill unnecessarily increases taxes by over $50 billion. And that is just the beginning. Remember that their budget would increase taxes by over two-thirds of a trillion dollars. If they aren't raising your taxes this time in this bill, I can assure you, your time is coming. They will get you the next time.

When this liberal Congress imposes the largest tax increase in American history to pay for more government spending, don't think that you can escape permanently their tax-and-spend ways. Their tax increase plans include cutting the child tax credit, cutting that in half; reinstating the marriage penalty and the death tax; and a tax increase for every single American taxpayer. It would even levy taxes on low-income workers who currently pay none.

But if there is a ray of sunshine, and there always is a ray of sunshine in bills, there is a newly created tax break, one that will put a big smile on the faces of some in this country, and it is worth over $1.5 billion.

□ 1100

The only problem, Mr. Speaker, is that this new tax break is only for trial lawyers. So the only people who will be smiling are the trial lawyers and presumably the Democrats that they give tens of millions of dollars in campaign contributions to each year.

Under this bill, the American taxpayers will be subsidizing speculative lawsuits by trial lawyers to the tune of $1.5 billion. This special interest tax break will allow trial lawyers to make special arrangements that essentially allow them to gamble on lawsuits where they get paid on contingency fees if they win. Meanwhile, taxpayers will be footing the bill for trial lawyers writing off the expenses of conducting these ''sue them and see what we can win'' lawsuits. Count me among those, Mr. Speaker, who believe we already have too many lawsuits in this country and that we shouldn't be inventing new special tax breaks that may and probably will encourage more lawsuits. Our justice system can operate fairly, as it has done so for many years, without having to give special tax treatment to trial lawyers.

Finally, Mr. Speaker, I want to specifically mention the extension of the State and local sales tax deduction that is included in this bill. For nearly 20 years, Americans who paid State income taxes could deduct those taxes from their Federal tax bill, while Americans who paid State sales taxes but had no State income tax were not allowed to do so.

In 2006, the Republican Congress restored the sales tax deduction after years of bipartisan effort from the congressional delegations of the affected States, including my home State of Washington. The initial reinstatement of the deduction was for 2 years, 2004 and 2005. In 2006, the Republican Congress extended the sales tax deduction for 2 more years, 2006 and 2007. That deduction has now expired, and this deduction does not exist for this year, 2008.

Efforts last year to extend this deduction and ensure it didn't expire were unfortunately blocked by the Democrat leaders. I regret that the extension provided for the sales tax deduction in this bill is for 1 year only.

Mr. Speaker, this is a step backwards. This deduction has been extended 2 years each time in the past, and it should be extended 2 years now. Otherwise, we face expiring in about 6 months from now because, as I mentioned, there is no sales tax deduction for the calendar year 2008. So if we are to pass this and it were to be signed into law, we would have 6 months on it

from right now. The bipartisan Senate bill introduced last month by the chairman and ranking member of the Finance Committee includes a 2-year extension of this sales tax deduction.

The Republican plan that House leaders and the Rules Committee last night blocked from being considered and debated on the floor today provided for a 2-year extension. An amendment was filed with the Rules Committee by Mr. BRADY of Texas which also would have extended the deduction for 2 years, but that too was blocked by the Rules Committee from being debated on this floor.

It is very unfortunate that this bill moves sales tax deduction fairness backwards, not forwards. Taxpayers in income tax States have a permanent tax deduction, and taxpayers in sales tax States that have no State income tax deserve, in my view, equal treatment. The sales tax deduction should be made into permanent law. Even though I think a 2-year extension is better than 1, it should be made permanent. At the very least, they deserve at least a 2-year extension.

What really is more upsetting, Mr. Speaker, is that this bill could have provided very easily under existing PAYGO rules a 2-year extension. The over $1.5 billion cost of the tax deduction given to trial lawyers could instead have been used to give a 1-year extension of the sales tax deduction for those States.

So this bill chooses to create a new billion-plus-dollar tax cut for trial lawyers over tax fairness for the millions of residents in the State of Washington, my State, the State of Florida, the States of Texas, Tennessee, Nevada, South Dakota, and Wyoming.

Mr. Speaker, I have supported every bill that has passed this House to reinstate and extend the State sales tax deduction, but none of these bills, none of these bills that extended that was being held hostage for another tax cut for another special interest.

Restoring and continuing the State sales tax deduction is a matter of fairness. The residents of sales tax States shouldn't have their fair treatment conditioned upon passing huge tax increases.

The rule that is currently before the House and the underlying bill reveal this Congress for what it really is. The rule is totally closed and does not allow debate or a vote on any amendments or an alternative Republican plan. It violates Speaker PELOSI's promise to the American people to run an open and honest House. The bill itself is just the opening act of a move to impose the largest tax increase in history on the American people. Mr. Speaker, under this liberal Congress the only tax bill allowed on the floor of the House is one that will raise taxes. Under this liberal Congress, tax relief is a myth and tax increases are a certainty. Mr. Speaker, under this liberal Congress, Americans will be sending more and more of their hard-earned dollars to Washington, DC so this Congress can increase spending and the size of the Federal Government.

My colleagues should oppose this closed rule and this tax increase bill. We should demand a clean tax relief extension bill that doesn't include new tax breaks for trial lawyers and over $50 billion in tax increases. This bill we know will never pass the Senate, and it will never be signed into law, if on the slim chance that it should pass both Houses and be sent to the President. Raising taxes right now on the American economy is simply the wrong thing to do, Mr. Speaker.

I reserve the balance of my time.

Mr. ARCURI. Mr. Speaker, I would just like to make one point. Some people in this institution tend to talk about trial lawyers and seem to want to point out the things that they do that they think aren't good. But no one talks about the fact that trial lawyers are out there representing people who have been injured. They are protecting people's civil rights. They are defending people on a contingency fee basis who don't have the money to come forward and sue people that have hurt them. That is critically important. And this bill does not give a windfall tax rebate to lawyers. All it does is allow them to claim expenditures that they have put out in the year that they have made that expenditure, no different than any other business in this country can do.

So I think it is unfair to criticize trial attorneys who are out there doing the kind of things that people hire them to do; and that is protecting people's civil rights and ensuring that people who are injured are able to get what they need so that they are not victimized even further.

I yield 2 minutes to the gentlewoman from California, my friend and colleague from the Rules Committee, Ms. MATSUI.

Ms. MATSUI. I thank the gentleman from New York for yielding me time.

Mr. Speaker, I rise today in support of the rule and the underlying legislation. This bill is a good example of Congress taking action to address the needs of America's businesses and consumers.

Mr. Speaker, our economy is in a downturn. More and more Americans are feeling insecure about their future, and they are looking to this Congress for relief. The tax extenders package that is before us today will help millions of working families cope with everyday expenses of life from tuition to the cost of caring for their children. It will also move our Nation forward to meet the many energy challenges we face.

Investing in renewable resources is the best long-term strategy to reduce dependence on foreign oil and lower energy costs. Clean energy is also a major economic engine that will power the economy of the future.

In my hometown of Sacramento, clean energy investments made years ago are now sustaining over 90 local businesses, from solar and wind companies, to cellulosic fuel and green building enterprises. Clean energy has changed my district's business climate forever. Sacramento's clean energy economy can be replicated across this country, but Congress needs to provide the right incentives to make this vision a successful reality. This bill will help current and future generations live in a country with a healthier economy, a cleaner environment, and a more sustainable policy.

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

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Illinois (Mr. ROSKAM).

Mr. ROSKAM. Mr. Speaker, I thank the gentleman from Washington for yielding.

I was surprised, Mr. Speaker, that the Rules Committee chose to reject an amendment that I offered that was an attempt to bring some clarity and light to this debate, particularly as it relates to energy needs.

I represent a district, Mr. Speaker, in the Chicago area which the Chicago Tribune this week has reported has the highest gas prices in the Nation. So in an attempt to try to take that on, I offered an amendment that I thought was a very straightforward thing, not meant to be controversial, not meant to be overly partisan, just a good commonsense idea that unfortunately the majority on the Rules Committee rejected. That was a simple thing, and that would create a tax credit, Mr. Speaker, a tax credit for biofuel vehicles.

Right now we have got a tax credit for alternative fuel vehicles, and that is great. But you have got a lot of municipalities in my district that are really suffering under the weight of these high gas prices, and they are looking for alternatives and a biofuel vehicle is just one of those things. So, in other words, oftentimes these vehicles can start up using gasoline, and then it can be transferred and powered on compressed natural gas, liquefied natural gas, liquefied propane, or hydrogen, all things that if municipalities are using will take pressure off gas prices.

Now think about it. This is an opportunity for Congress to do something to help to create a market for other vehicles. Right now sometimes the private marketplace isn't able to come up as quickly as we want it, so we have got local units of government that are saying we want to use these types of vehicles; and this Rules Committee, Mr. Speaker, has denied the tax credit that would empower that kind of thing. It makes no sense to me. I am just deeply disappointed that folks on the Rules Committee who are in the majority just rejected this idea. It is not a partisan idea. It is what is called a good idea that we need to move forward.

In 1968, Richard Nixon campaigned for the Presidency claiming he had a secret plan to end the war. He went all over the country and said: I have got a secret plan to end the war. If you elect me President of the United States, my secret plan to end the war will win it all and will bring it all home.

Well, we all know there was no secret plan. His Secretary of Defense said so, everyone has declared so, and history shows it. But there are eerie similarities between that declaration of Richard Nixon in 1968 and the words of now Speaker PELOSI when she was the minority leader: She had a plan to bring gas prices down.

Well, if what the majority is doing on the Rules Committee is rejecting commonsense ideas like tax credits for biofuel vehicles that help suburban communities in my district, I am very interested for when this secret plan that the Speaker has alluded to is going to be coming forward. I don't think there is a secret plan, Mr. Speaker.

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

Mr. HASTINGS of Washington. I yield the gentleman an additional 1 minute.

Mr. ROSKAM. I think the Speaker in the last campaign was using the type of campaign rhetoric that is now unfortunately coming home to roost.

I am deeply disappointed that the Rules Committee didn't see fit to let a commonsense idea that helps the suburban municipalities that I represent cope with outrageous gas prices.

I thank the gentleman for yielding.

Mr. ARCURI. Mr. Speaker, I yield 2 minutes to the gentleman from Vermont, my colleague from the Rules Committee, Mr. WELCH.

Mr. WELCH of Vermont. I thank the gentleman from New York.

This bill has many good features, and I want to speak about two. One is energy and two is children.

If we are going to take on the challenge of energy independence, then we have to start providing incentives, as we do in this bill, for wind, for solar, for biomass, for alternative energy and efficiencies. It is a confident Nation that takes on that challenge. It is a submissive Nation where the leader of our country goes hat in hand to a country that is not our friend and asks him to solve our problem by pumping more oil. This moves us in a confident direction of independence, self-sufficiency, and self-reliance.

The second is children. It is troubling I think to many of us in this country, and many of us in this body, that the gap between the wealthy and the poor has never been wider. The top five hedge fund managers last year earned $12.6 billion. The 9 million lowest income families, that was their equal income, $12.5 billion.

This bill finally increases the earned income tax credit for low-income families, bringing down the floor to $8,500, and 15 percent above that is going to be eligible. Do you know what that is going to mean just in the State of Vermont? 21,000 kids are going to get help. 21,000 kids. It also means 77 low-income kids from military families are going to get some assistance. This is money in their pocket where they too can be self-reliant.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Georgia (Mr. GINGREY), a former member of the Rules Committee.

□ 1115

Mr. GINGREY. Mr. Speaker, I rise in opposition to this closed rule and the underlying bill which the Democratic majority refers to as the Energy and Job Creation Act of 2008. I don't know how anyone can call this an energy creation act when it does nothing, absolutely nothing, to lower the price of gasoline.

With a week-long recess ahead, I am sure the majority wants to pass something with the word ''energy'' in it so they can pay lip service, while the American people are paying more at the pump.

Well, Mr. Speaker, the American people are demanding real change and real solutions. They want Congress to end this energy crisis which is eating into the budgets of American families and harming their quality of life.

This bill will not solve their problems. While this bill does extend temporarily some important tax provisions, it does absolutely nothing to address the looming alternative minimum tax which will hit millions of Americans, in fact, 22 million of them, if this Congress fails to act. And there's nothing in this bill concerning the alternative minimum tax.

Shortly we will begin debate on another rule for the budget conference report. I have often heard my colleagues on the other side refer to the Federal budget as a moral document. Mr. Speaker, I agree with them. I agree with them.

However, when I look at the details of this budget, I can't help but ask, how is it moral to impose the largest tax increase in the history of this country on working Americans, almost $683 billion over the next 5 years?

Mr. Speaker, how is it moral to raise the marginal tax rate on lower income workers and impose tax burdens on marriage, children, and family businesses?

Mr. Speaker, how is it moral to provide more than $1 trillion in discretionary spending, while doing absolutely nothing to reform entitlement spending and to ensure the solvency of Social Security and Medicare for our future generations, indeed, our children and our grandchildren?

The majority can refer to its budget as a moral document all they want to, but the devil is in the detail, Mr. Speaker. Apparently the majority believes it's moral to rack up debt and raise taxes to pay for it.

Mr. Speaker, we need to cut government spending, and we need to reform uncontrolled entitlement growth by eliminating waste, fraud and abuse, so that we can provide tax relief to hard-working Americans and to prevent the tax increases of the Democratic budget, $683 billion.

I urge my colleagues, vote against this rule, the underlying bill and the Democratic budget.

Mr. ARCURI. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. Mr. Speaker, in a weak economy it's important for us to take steps to help small businesses create jobs and provide targeted tax relief to middle class American taxpayers.

Today's tax relief package will encourage investment in renewable energy and energy efficient technologies. We help small businesses by extending the R&D tax credit and the State and local sales tax deductions.

Also included are extensions of three tax cuts that I introduced last year, including extending the $250 tax credit to help teachers pay for out-of-pocket expenses for classroom supplies, encouraging companies to donate computers to schools, and investing in the clean-up and development of former industrial sites, commonly referred to as brownfields.

This bill cuts taxes for small businesses, promotes energy independence, and provides targeted tax relief for middle class American families.

I urge my colleagues to support this tax relief package.

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

Mr. ARCURI. Mr. Speaker, I would like to yield 2 minutes to the gentlewoman from Arizona (Ms. GIFFORDS).

Ms. GIFFORDS. Mr. Speaker, I rise today in support of passage of H.R. 6049, the Energy and Tax Extenders Act.

Back home in Arizona, each and every day practically, we have free energy that radiates from the sky. An Arizona utility company recently proposed a plan to take advantage of that sunshine by building one of the world's largest solar power plants, 280 megawatts. This project will inject millions of dollars into the State and regional economy, and once it's complete, will produce enough electricity to power 77,000 homes.

This exciting announcement comes with a caveat. If Congress fails to extend the 30 percent solar tax investment tax credit, this plant will not be constructed. The same stipulation has been given for a variety of solar projects across the Southwest.

H.R. 6049 provides those vital extensions for renewable energy tax credits which include solar energy, and it will be the fourth time that the United States of House of Representatives has acted on this issue.

I have repeatedly pushed for passage of these extensions because I know

that they're essential for the solar industry in our country. They will spur innovation, decrease our emission, and improve our energy independence.

With technology improving, many solar industry leaders furthermore believe that solar energy is on track to be cost competitive with fossil fuels by 2015, if not sooner. But to achieve the goal, we have to act today before the current energy tax incentive expires.

I urge my colleagues to vote ''yes'' on the Energy and Tax Extenders Act. This is an important piece of legislation.

Mr. HASTINGS of Washington. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Washington has 10 minutes. The gentleman from New York has 17 minutes.

Mr. HASTINGS of Washington. Mr. Speaker, I will reserve my time.

Mr. ARCURI. Mr. Speaker, I would like to yield 2 minutes to the gentleman from California (Mr. MCNERNEY).

Mr. MCNERNEY. Mr. Speaker, over the next few years the renewable energy industry in the United States is poised to create hundreds of thousands of family wage jobs. But none of it will happen, and in fact we will lose jobs if we don't extend the investment and production tax credits for new energy technologies.

As someone who spent my entire career in the wind industry, I know firsthand how critical these credits are to increasing renewable energy use and production. These incentives helped to turn wind power into a viable and growing energy option.

Just last week, the Department of Energy released a report estimating that wind could provide 20 percent of our Nation's energy by 2030. Renewable energy is now competitive with conventional power.

I recently hosted a meeting in my district with the heads of solar and wind energy companies to discuss the potential for employment in the renewable sector. It's clear, with the right Federal incentives, the industry will flourish, and we could see the creation of half a million new energy technology jobs in just the next few years.

There's also a flip side. When the production and investment tax credits lapse, there's a devastating consequence for the renewable energy industry. For instance, the last time we didn't extend the production tax credit, the wind industry lost thousands of good paying, green energy jobs all across our country.

That's why today's legislation is so important. If we are serious about weaning ourselves off foreign oil, we need to pass the production and investment tax credits today.

I urge my colleagues to support this bill.

Mr. HASTINGS of Washington. I continue to reserve my time.

Mr. ARCURI. Mr. Speaker, I would like to yield 2 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, first of all I think my friend from Georgia needs some responding to in terms of the issue of the price of gas today. I just want to point out that what is false is Republicans, not Democrats, advocated and tried to pass legislation to increase the gas tax on Americans, offering legislation that would cost American drivers $800 million. That was a GOP motion to recommit on H.R. 2776 on August 4, 2007. And that data comes from the Joint Committee on Taxation.

The fact is not a single member of the Democratic Caucus supported the Republican effort to increase the gas tax on American families. That comes from rollcall vote 834.

The fact is that the Democratic leadership has not brought forward a bill to increase the gas tax on drivers, only your side of the aisle.

Another point dealing with the pay-fors in this legislation. I just want to point out one of the pay-fors, the worldwide interest allocation, would bring in $24 billion raised to help pay for what we're attempting to do here.

I know my friend, Mr. HASTINGS, was making reference to this, that these are simply tax increases. The provision that we're talking about specifically in worldwide interest allocation, $29 billion, if so, if this is a tax increase, I just want to remind the gentleman that in H.R. 3221, the Ways and Means amendment to the Democratic homeownership rescue bill, that the same provision was included in that bill in which 95 members of your party supported it, including Mr. HAYES, Mr. PORTER, Mr. RAMSTAD, Mr. HULSHOF, Mr. REICHERT, Mr. BUCHANAN, Mr. CAMP, Mrs. CAPITO, Mr. CHABOT, Mr. DIAZ-BALART, Mr. JOHNSON, Mr. KELLER, Mr. KNOLLENBERG, Mr. SHAYS, Mr. LEWIS, Mr. LINDER, Mr. WALBERG, Mrs. DRAKE, Mr. ENGLISH, Mr. FOSSELLA, Mr. GERLACH, Mr. MURPHY——

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

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

Mr. CROWLEY. Mr. WELLER, Mr. WILSON and Mr. YOUNG.

If these are tax increases, I just want you to know, for the record, that in the previous bill that was passed by this House, 95 members of your caucus supported the identical provision that is in this bill.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself 1 minute.

In response to my good friend from New York's response, let's set the record straight. We are talking about tax extenders. By definition, tax extenders mean we are extending existing tax relief for people. These are in law already. They have been extended many, many times in the past and always been extended without raising taxes on the other end.

Now the gentleman says that the provision they have in this bill may or may not have bipartisan support. I'm not going to argue with that point. It probably should be looked at on its merits.

But my point in this and the whole part of this debate is that these are extending existing tax relief for the American people, and you don't have to start setting the principle of raising taxes in other areas to continue tax extensions that are already in law. That's the point that I was making.

I reserve the balance of my time.

Mr. ARCURI. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. I rise in support of this energy and jobs bill and, in particular, want to talk about two provisions that are very important to my constituents and I think very important to the country.

The first are provisions that would extend tax credits for the solar energy industry. In my district alone, there are hundreds of jobs at stake. These are hundreds of good, well-paying, clean jobs that not only are good for the citizens in my district, but also are good for the country. We need an Apollo project like effort to wean ourselves off fossil fuels.

We want the ability to be able to tell the oil producing nations of the world that they can take their oil and they can keep it, that we don't need it.

We want to be able to address global warming. We want to be able to make sure that we have a sound energy policy based on this Nation's future. And solar energy is a big part of the solution.

So this tax credit alone, I've had business people in my district tell me if this tax credit goes away, those jobs will go away. It's as simple as that. Homeowners won't be able to meet the financial burden of putting solar power panels on their roofs. Those that produce those panels will have to lay off the people in that industry. People will become more reliant on fossil fuels, not less.

There's a second provision, very important to my constituents and also very important to an industry that has a positive balance of trade with every other country on earth, and that is the entertainment industry. We have tax incentives to try to keep production in this country of small and medium sized films. We're losing a lot of that production to Canada. We'll lose even more if the tax credits that incentivize those small productions go away. I'm very proud that we're taking action to deal with the problem of runaway production. Again, good, well-paying jobs that we want to keep in this country. This legislation will help keep them there.

Many of my constituents are losing those jobs to Canada, Australia and other countries because those other countries are offering incentives to keep and move production there.

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

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

□ 1130

This good bill will help us wean ourselves off fossil fuels. It will help us keep good-paying jobs in the energy industry, in the entertainment industry, and a great many other industries, and I urge support.

Mr. HASTINGS of Washington. Mr. Speaker, once again, can I inquire of the time on both sides.

The SPEAKER pro tempore. The gentleman from Washington has 9 minutes. The gentleman from New York has 10 minutes.

Mr. HASTINGS of Washington. I would inquire of my friend from New York how many speakers he has.

Mr. ARCURI. We have no additional speakers, so I am prepared to close.

Mr. HASTINGS of Washington. In that case, Mr. Speaker, I will yield myself the balance of my time.

Mr. Speaker, I'm going to ask my colleagues to vote against the previous question so we can address the issue of high gasoline prices. But before I make my motion and explain what my motion would be if we defeat the previous question, I want to quote several parts of an editorial that was written by Tracy Warner who is the editorial writer for the Wenatchee World newspaper in Wenatchee, Washington, in my district. He kind of hits some of the issues of what we are doing, or probably I should say not doing, on the head.

[From the Wenatchee World, May 14, 2008]

IRRATIONAL POLICY PART OF THE SHOW

(By Tracy Warner)

The Keystone Cops of Congress wave their truncheons, circle and bump and wriggle their mustaches, then rush to the paddy wagon in search of greedy oil companies. In this time of hardship, this will have to suffice for energy policy.

The goal of the troupe is to somehow make the price of gasoline lower. High gasoline prices are extremely unpopular. If they could be forced downward, this would please Americans at an advantageous time on the political calendar. If that is not possible, and likely it is not, then complaining loudly will do. Or, for a real show of statesmanship, you can dole out financial punishment to the companies that make the product you want more of.

The most recent gesture was a vote Tuesday to have the government cease stockpiling oil in the strategic petroleum reserve, where some 700 million barrels are kept for national emergencies. This halt, passed by the Senate 97–1 and the House 385–25, will reduce federal petroleum purchases by 70,000 barrels a day. The hope is this will affect world oil markets, which are based on global production of 87 million barrels a day. Congress has increased supplies by 0.08 percent. We should be grateful.

In a very small way this shows our representatives have some understanding of economics. Oil markets are mainly a supply-and-demand issue. Raise supply and the price should drop, if demand is steady. Raise supplies by 0.08 percent and the price will drop, maybe by a like amount. We will watch with great anticipation.

The other legs of the constantly evolving federal oil policy are not so easily explained. Congress remains adamant that we will not attempt to affect supplies by drilling on a few thousand acres of the vast Arctic National Wildlife Refuge, where production could exceed 1 million barrels a day. The reason given is this is part of an ''oil friendly policy'' and we cannot ''drill our way'' to ''energy independence'' because the effect of a million barrels is so small. So we deny ourselves a million barrels a day because it is so little, and then demand the federal government cease purchasing 70,000 barrels a day, because that is too much.

Some propose sending the Justice Department to file an antitrust case against OPEC, because its members scheme to limit the supply of oil and thus drive up the price. So, we do not wish to drill ourselves, because that would be wrong, but we demand OPEC sell us more, and if they don't we will send lawyers. And oh, we want ''energy independence.''

And with lawyers after OPEC, the cops will still be after the oil companies. The line is oil companies get ''tax subsidies'' they do not deserve. So the House has voted to rescind a tax break for the five largest oil companies. The ''subsidy'' to which these congressmen refer was no special deal. It was a two-point corporate tax cut given to all manufacturers in 2004. In the meantime, oil companies pay taxes. According to the Tax Foundation, based on data from the Energy Information Agency, it is only in the last three years that after-tax profits of the oil industry have exceeded its taxes paid to federal and state governments. In the last 25 years, oil company taxes were nearly double oil company profits—government makes twice off oil what oil companies make off oil.

On we go. Newly popular in Congress is a windfall profits tax, to collect for government the oil profits government considers ''obscene.'' Oil company profit margins are less than many other industries, but setting that aside, what would be the effect of confiscating them? When this was tried in 1980, oil companies stopped selling the product from which only government would profit, and we went from expensive gas to no gas.'

And, we can make price gouging a crime, even though it already is a crime in most states. Make it a crime to sell fuel when prices are high. Won't that increase supplies?

The sum of all this policymaking is astonishing incompetence. Playing for the crowd usually leads this way.

Let me just make a few points here that he raised that I thought were rather interesting.

He talks about what Congress is doing or not doing, and he says then, and I will quote verbatim, Mr. Speaker, from his editorial, ''The most recent gesture was a vote Tuesday to have the government cease stockpiling oil in the Strategic Petroleum Reserve, where some 700 million barrels are kept for national emergencies. This halt, passed by the Senate 97–1 and the House 385–25, will reduce Federal petroleum purchases by 70,000 barrels a day. The hope is this will affect world oil prices or oil markets which are based on global production of 87 million barrels a day. Congress has increased supplies by 0.08 percent.''

He then goes on to say, after I quote there, he goes on to talk then about things that we probably are not doing and should be doing otherwise. He goes on to compliment Congress by saying that ''at least they have some understanding of economics.'' If you're going to not put oil in a reserve, you presumably have more supply.

He then goes on to talk about what we haven't been doing, which of course is looking at more known reserves we have in our country to be energy independent. Again I would like to quote, then, verbatim as he makes, I think, a very good point:

''Congress remains adamant that we will not attempt to affect supplies by drilling on a few thousand acres of the vast Arctic National Wildlife Refuge, where the production could exceed 1 million barrels a day. The reason given is this is part of an 'oil friendly policy' and we cannot 'drill our way' to 'energy independence' because the effect of a million barrels is so small. So we deny ourselves a million barrels a day because it is so little, and then demand the Federal Government cease purchasing 70,000 barrels a day, because that is too much.''

Mr. Speaker, he goes on to talk about other things here, but they make a very good point. The bottom line is our energy policy is not looking at the supply side of it. We import so much of our crude oil and we aren't energy independent in that sense.

Mr. Speaker, I am going to ask my colleagues to vote ''no'' on the previous question so I have an opportunity to amend the rule.

Since the Democrats took control of Congress in January of 2007, the cost of gasoline has risen to record-setting prices. According to a report from just 2 days ago by the AAA in my State of Washington, the price of gasoline is at a record $3.86 per gallon. That's 24 cents higher than just last month. The average price of a gallon of diesel is $4.69, which is $1.61 higher than a year ago. In the Tri-Cities where I live, a gallon of gas is $3.83. In Yakima, in the central part of my district, it's $3.84.

[From the Seattle Times, May 19, 2008]

AAA: AVERAGE GALLON OF GAS IN WASHINGTON HITS $3.86

The AAA auto club says the average price of a gallon of gasoline in Washington continues to climb into record territory at $3.86.

That's up 24 cents in the past month and 42 cents in the past year. It's seven cents higher than the national average.

The AAA survey for today found that the average price of a gallon of diesel in the state is $4.69. That's up 29 cents in the past month and $1.61 in the past year.

The AAA says the highest gas prices in the state are at Bellingham at $3.93 and the lowest in Spokane at $3.70.

Prices in some other cities, according to the AAA: Olympia $3.89, Seattle $3.88, Tacoma $3.87, Vancouver $3.84, Tri-Cities $3.83, Yakima $3.84.

This increase in prices is causing real strain on family budgets, farmers, and for small businesses. This Congress needs to act, and we can't afford to sit and do nothing while prices continue to climb. The American people deserve action.

Speaker PELOSI made a promise that the Democrats had a ''commonsense plan'' to ''lower the price at the pump.'' But this Democrat Congress has done nothing but see fuel prices rise.

One of the most important things that this House can do is recognize a

basic economic principle of supply and demand. Mr. Speaker, the laws of supply and demand cannot be changed by wishful thinking. At times, I get the distinct impression that my colleagues on the other side of the aisle believe that wishful thinking will actually lower gas prices.

I support proposals to invent and to develop new sources of energy. I think we should have a diverse portfolio of energy, and I believe a vast majority of my colleagues do as well. But gas, diesel, and oil are absolutely vital to our economy and our way of life and our future.

The problem we are facing at the gas pump is one of high demand and limited supply, and it's part of a global economy and a global product. With India and China suddenly consuming enormous amounts of oil, the price of it is being bid up around the world. The way to combat rising prices due to high demand is to increase supply. And yet proposals to increase oil and gas production and exploration in our country have faced years and years in opposition. Mr. Tracy, in his article, points that out as it relates to ANWR.

We've been stymied by Democrats in the House, blocked by Democrat Senators, and vetoed by a Democrat Senator specifically with ANWR. This liberal Congress is continuing to say ''no'' to developing energy in our country, to block any bill from being considered or voted upon that would allow for oil and natural gas exploration in Alaska or in the oceans on the Outer Continental Shelf, while at the same time they pass bills threatening to sue foreign countries to produce more oil. That doesn't increase supply, Mr. Speaker.

We are now paying the price for so many years of repeated refusal to make use of our country's own natural resources. Not only are we seeing gas prices going up and up, but our country is even more dependent on foreign sources of oil. Often the response to this argument from the other side of the aisle is that even if we approve production in ANWR or coastal reserves today, it wouldn't come on line for years and wouldn't really help much.

The hollowness of this argument in my mind, Mr. Speaker, is astonishing. We are paying the price today for their years of opposition to real solutions, and they want to keep saying ''no'' and blaming somebody else.

America can't afford to keep sticking its head in the sand when it comes to building more refineries and developing our own oil and gas reserves. It's time for the House to act. It's time for the House to debate ideas for lowering prices, and it's time for the majority to reveal their promised plan.

By defeating the previous question, Mr. Speaker, this House can finally consider solutions to rising energy costs. When the previous question is defeated, I will move to add a section to the rule, not rewrite the rule, that would lower the gas prices of unleaded gasoline.

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted into the RECORD prior to the vote on the previous question.

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

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I urge my colleagues to defeat the previous question so that we can consider this vitally important issue for America.

I yield back the balance of my time.

Mr. ARCURI. Mr. Speaker, I would like to thank my colleague and friend from Washington. It's always a pleasure managing a rule on the floor with you.

I would like to thank him for making a point which I think is a very good point in his closing, and that is we can't drill our way to oil independence. I think that is abundantly clear, especially to Americans. I think they know that.

The fact of the matter is, is that oil is a finite resource. That as much as we want to dream and that as much as we want to wish, it is a finite resource. And while there may be reserves that may last us 5 years or 10 years, the fact of the matter is if we don't deal with the fact that it is a finite resource, then our children and our grandchildren will have to deal with the fact that there is no more oil left.

That's what today's bill does. That's what this rule does. It attempts to take real steps to promote alternative energy because that is the future of our children and our grandchildren.

H.R. 6049, if it passes the House today, it will be the fourth time the House has voted to extend many of these energy tax provisions. In each of the previous three times, the legislation has come under heavy fire because of the revenue-raising provisions that were included to ensure that the extensions were compliant with House pay-as-you-go rules. That is the new Democratic majority's commitment to lowering the national debt by bringing fiscal responsibility back to the House of Representatives.

The debate has not fallen on deaf ears. I applaud the Ways and Means Committee and Chairman RANGEL for its tireless commitment to finding less controversial means for paying for this vital tax relief and alternative energy development incentives. Their efforts have been successful judging by the list of organizations and businesses that are supporting H.R. 6049, including the League of Conservation Voters, the National Retail Federation, the National Wildlife Federation, Dow Chemical Company, The Sierra Club, The American Farm Bureau, and the list goes on and on.

Providing tax relief to middle class families and small businesses, providing incentives to promote alternative energy development, and adhering to fiscal responsibility should never, never be a partisan issue.

Too often in this Chamber we hear countless reasons why not to do something, but the fact of the matter is, we cannot afford to allow the vital tax relief and renewable energy incentives in H.R. 6049 to fall victim to Washington politics.

Just to set the record straight, by voting ''yes'' on the previous question and voting ''yes'' on the rule and bringing this legislation to the floor, it will allow 11 million families to deduct State and local sales taxes; it will allow 3½ million teachers to deduct classroom expenses so they can better educate the children they teach; it will allow 4 million families the ability to deduct education expenses and help put their children through college; it will allow 13 million families to claim the child tax credit and make it a little easier to put food on their table; and it will allow 27,000 domestic businesses to remain competitive in the global marketplace by investing in vital research and development.

Clearly we in the majority are working to advance the interests of the American people. I am hopeful we can come together later today, Republicans and Democrats, pass this rule, pass the underlying legislation, and move our country forward.

I urge a ''yes'' vote on the previous question and on the rule.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 1212 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 3. Notwithstanding any other provision of this resolution or the operation of the previous question, it shall be in order to consider any amendment to the substitute which the proponent asserts, if enacted, would have the effect of lowering the national average price per gallon of regular unleaded gasoline. Such amendments shall be considered as read, shall be debatable for thirty minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 of rule XXI.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the

opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

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

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

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

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

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

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

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

□ 1145

PROVIDING FOR CONSIDERATION OF H.R. 5658, DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1213 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1213

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5658) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed two hours equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. After general debate, the Committee of the Whole shall rise without motion. No further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

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

Mr. HASTINGS of Florida. For the purpose of debate only, Mr. Speaker, I yield the customary 30 minutes to the gentleman from Washington, my good friend, Mr. HASTINGS. All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. HASTINGS of Florida. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous material in the RECORD.

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

There was no objection.

Mr. HASTINGS of Florida. I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1213 provides for consideration of general debate for H.R. 5658. This debate will come under a structured rule.

The rule provides 2 hours of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. The rule waives all points of order against the bill's consideration except those arising under clause 9 or 10 of rule XXI.

As the chairwoman of the Rules Committee announced yesterday evening, the committee intends to meet later today to report out an additional rule which will provide for the remaining consideration of the bill, including amendments and final passage.

This two-part process has been used over the years to ensure that the Rules Committee has ample time to consider the amendments submitted to the committee, and there were a substantial number of amendments offered.

Mr. Speaker, the National Defense Authorization Act is one of the most comprehensive and important pieces of legislation that the House considers each year. The overwhelmingly bipartisan support for this bill is proof that we understand our obligation as legislators to support our military and ensure our national security by coming together and producing quality measures.

I am proud that the chairman and ranking Republican of the Armed Services Committee introduced the underlying legislation together. Chairman SKELTON and Representative HUNTER are to be congratulated for a job well done. Without their work, the unanimous support for the bill with a vote of 61–0 in the Armed Services Committee would not have been possible.

Mr. Speaker, for too long, President Bush's administration has neglected the needs of our military. I was just in Baghdad 2 days ago, and I saw evidence of this neglect. While the President has shown little hesitation to send troops into harm's way, his refusal to take care of them and their families when they return is downright despicable.

The underlying National Defense Authorization Act gives our servicemen and -women and their families the resources that they need and deserve. That includes providing a 3.9 percent pay raise for all servicemembers and expands the authority of the Defense Department to offer bonuses.

This bill takes care of our soldiers and their families by increasing access to financial aid for education, expanding survivor benefits, and enhancing health care services. And it rejects President Bush's proposal to inflict $1.9 billion in TRICARE fee and premium increases and other increases in health care costs for soldiers.

The bill also strengthens our national security by providing our troops with state-of-the-art equipment and authorizes the expansion of the military.

It includes fiscally responsible provisions that are designed to increase efficiency and accountability in the military.

The bill cracks down on the Blackwaters of the world and requires the Department of Defense to put into place policies and systems under which contractors are held accountable for their actions.

The underlying legislation also addresses the issue of readiness. Our Armed Forces are hurting today because we continue to ask them to do more with less.

Under this bill, Congress is making it clear that at least one of the three branches of government will not allow rhetorical and ideological policies to stand in the way of doing the right thing by our troops.

We continue to send our brave young men and women into battle without proper equipment or protection. The National Defense Authorization Act authorizes nearly $800 million for personal body armor, as well as $2.6 billion for mine resistant ambush-protected vehicles for our troops in the Middle East.

Finally, the bill prohibits the establishment of permanent bases in Iraq, requires the Iraqis to invest in the reconstruction of their own country, and I, for one, have emphasized this repeatedly since the beginning of this adventure in Iraq. And this bill provides funds to help train both Iraqi and Afghani security forces.

Mr. Speaker, no one political party holds a monopoly on national security. The underlying legislation is clear evidence that, under new leadership, Congress is addressing the needs of our armed services.

America cannot afford to continue to make the same mistakes we have made in the past. The stakes are too great, and the world is too dangerous.

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

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank my friend and namesake from Florida (Mr. HASTINGS) for yielding me the customary 30 minutes to discuss part one of the proposed rule for the consideration of the Duncan Hunter National Defense Authorization Act of 2009, and I yield myself as much time as I may consume.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, this legislation, which was approved by the Armed Services Committee by a unanimous vote of 61–0, as my friend from Florida mentioned, would make a number of very positive improvements to our armed services, and I think this entire House should be particularly proud of the committee's bipartisan efforts to improve the quality of life and safety of those serving our country in the armed services and their families.

This legislation would authorize $600 billion in spending for our Nation's Armed Forces, including $530 billion in spending for defense programs at the Pentagon and Energy Departments and $70 billion to bolster the success of ongoing military operations in Iraq and Afghanistan for part of 2009.

It would authorize $783 million for continued procurement and enhancement of current body armor systems; $1 billion for the training and support of the Iraqi security forces; and nearly $2 billion for unfunded readiness initiatives as requested by the services.

It increases Active Duty Army personnel, Mr. Speaker, by 7,000 and Active Duty Marine Corps personnel by 5,000, while also providing our uniformed servicemembers with a much-deserved pay raise of 3.9 percent.

And for our active duty troops and veterans who have already done so much to serve our country, it prohibits increased copayments and premiums for TRICARE recipients, and expands suicide prevention efforts.

Finally, Mr. Speaker, this legislation also requires the Secretary of Defense to provide an annual report on Iran's nuclear capabilities so that this Congress can take a proactive role on recognizing the potential of this threat and be made aware of the threat that these capabilities pose to America and our allies.

While this legislation does a great deal to improve our armed services and to provide them with the resources that they need—and it accomplishes much of this in a cooperative, bipartisan fashion—there are a few areas that I think could still be greatly improved.

While the Rules Committee has not yet reported out a rule governing amendment debate on this legislation—we will do that this afternoon—I want to take this opportunity to make clear that there are a number of areas that I and a number of my Republican colleagues believe can be used to improve this bill through the amendment process.

First, it is my hope that the amendment process for this year's authorization bill, while it will be a structured rule, will still be as open as it has been under Republican majority, when between 30 and 40 amendments were regularly allowed to be debated and decided by the entire House of Representatives.

Of particular concern is the reduction in funds and focus that the Armed Services Committee chose to provide in this bill for protecting America from the threat posed by ballistic missiles.

In the Armed Services Committee, my colleague TERRY EVERETT from Alabama offered amendments to both authorize the President's request fully for missile defense and allow procurement to go forward and to restore half of the $10 million that the committee eliminated from the request for the study of a space test bed.

Congressman TRENT FRANKS of Arizona, a fellow cochairman of the Missile Defense Caucus, offered his own amendment to add $100 million to a program to launch multiple interceptor missiles at once to defeat multiple incoming missiles or decoys in the event of an attack.

While these amendments, Mr. Speaker, were defeated in committee, I believe that the entire House should have the opportunity to hear their arguments and make their own decisions on these issues, as well as the amendment by my Rules Committee colleague, Mr. SESSIONS of Texas, to state the sense of Congress that we need to support the development, testing, and fielding of the capability to intercept ballistic missiles in their boost phase to protect America's interests.

Again, Mr. Speaker, while this rule provides for 2 hours of general debate on the bill, there are areas that this House needs and deserves to address through the amendment process. That will be addressed in the second rule that we will discuss in the Rules Committee tonight and will presumably be on the floor tomorrow. I certainly hope that the House is given a full and fair chance to consider these issues that I've highlighted, as well as others.

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

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield to the chairman of our Armed Services Committee, my good friend, Representative SKELTON, 4 minutes.

Mr. SKELTON. I thank the gentleman from Florida for yielding.

I appreciate the fact that we will be again having a rule taken up in the Rules Committee. I look forward to the second rule for tomorrow.

I rise, Mr. Speaker, in favor of the rule. This is an excellent bill. It is, of course, the annual defense authorization bill, bipartisan I should say, very bipartisan in nature because the vote on final passage out of our committee was 61 Members to none. And I cannot be more pleased with the work that our committee has done, the ranking members, the subcommittee chairmen who really did yeoman's work, and I want to thank them for all their excellent and successful efforts.

□ 1200

I might mention at the outset that this defense authorization bill, which is for 2009, is named in honor of former chairman, now ranking member, who will not be returning to us next year, the gentleman from California, DUNCAN HUNTER. That is certainly fitting and proper that we do so to recognize his efforts on national security through the many years he served on the committee, as well as the leadership positions.

This bill authorizes $531 billion in spending for the defense and national security functions of the Department of Energy. It also authorizes a $70 billion bridge fund, which will be considered shortly.

The pay raise to the troops, 3.9 percent, is five-tenths of a percent more than the administration recommended. And it rolls back the administration's proposed fee increases on health care as well as pharmacy costs. It increases the size of the military, something I have been urging since 1995. It increases the size of the Army by 7,000 and the Marines by 5,000. They're overburdened and they're strained, and this is one step towards relieving that strain.

A major problem today is that of readiness, or a lack of readiness. We restore a great deal of readiness to the military in this bill in various manners, essentially in training and equipment.

There is $800 million in National Guard and Reserve equipment; $650 million to upgrade military barracks for those trainees that are coming through. It improves our efforts in Afghanistan. It bans permanent bases in Iraq. It requires Iraq to do more for itself in the reconstruction area, establishing a formula by which they, with their oil surplus, will have to contribute toward that end.

There are additional steps regarding contractor oversight.

Regarding nuclear nonproliferation, we increase the funding by $245 million. That's a very major step. The European missile defense effort was cut by $370 million. It does a great deal toward national security.

I want to take this opportunity to support the rule, and of course when the time comes, to support the bill itself. Hopefully we will have some excellent amendments that will be considered tomorrow. And we will send this on to the Senate and hopefully have an excellent bill at the end of the day.

The young people in uniform, of whom we're so very, very proud, deserve the best. This is one way we in Congress can make sure they get the very best through this defense authorization bill.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California, a person in whose name this defense bill is named after. I would join my friend from Missouri, the chairman of the committee, suggesting and acknowledging that it is an honor that is well, well deserved.

I had an opportunity to serve on the committee for 2 years, my first 2 years in Congress. There are probably few, if any, that are more knowledgeable on these issues surrounding defending our country than the namesake of this defense authorization bill.

I now yield 3 minutes to my friend from California (Mr. HUNTER).

Mr. HUNTER. I thank the gentleman. And I do want to say there is a gentleman here who's got more knowledge than I have on this defense bill, and he just spoke. I want to give my thanks to Chairman SKELTON for doing a great job of putting together an excellent bill which passed unanimously out of the Armed Services Committee.

He followed very strongly what I call the two tracks that we're on. The first track is to provide for the warfighters in the theaters that are currently in progress in Afghanistan and Iraq and around the world, where we're fighting the global war against terror. We do so very well in this bill in terms of putting in lots of extra money for MRAPs, for force protection, for defense against mortars, against roadside bombs, and all the other things that are important aspects and dimensions of force protection.

Then we also provide for what I call over the horizon. That means that we've provided, with the very able chairmen of the subcommittees and the ranking members, for continued equipment buys in critical areas and put in extra money for submarines, which we will have low numbers in the next 5 to 10 years, but are a very important part of American leverage in foreign policy and a very important component of warfighting. Putting in extra money for C–17s, for that airlift that is so critical, for giving a good solid buy on F–22s this year and Joint Strike Fighter.

Also the report that I've received back from the Marines is that the first V–22s are now in theater in Iraq and that they're working very well. The Marines like that doubling of speeds that they now have over the CH–46 helicopters. That's accruing to their benefit in lots and lots of operations.

The chairman and the chairmen of the subcommittees and the ranking members I think have done a great job of filling out both tracks of both the near term and the long term in this bill.

I thank Mr. SKELTON for his kind words. Let me tell you, one of the real blessings in serving in this body is to be able to serve with a great partner, whether you're the chairman or the ranking member. The chairman has done a wonderful job in putting this bill together. The man from Missouri is an outstanding leader in national security, and I applaud him for his great career.

I know we also have two members retiring, Mr. SAXTON, who for many years chaired the Special Operations Subcommittee, very important subcommittee, is now ranking on Air Land. And Mr. EVERETT, who is ranking on Strategic. JIM SAXTON, I have watched him go around the world visiting with our special operators, ensuring that they had what they needed.

The SPEAKER pro tempore (Mr. HOLDEN). The gentleman's time has expired.

Mr. HASTINGS of Washington. I yield the gentleman 2 additional minutes.

Mr. HUNTER. I thank the gentleman for yielding, and I thank him for his great service on the Armed Services Committee. You can trade up anytime you want to and come back off that old Rules Committee and come back to Armed Services.

But Mr. SAXTON has done yeomen's work in providing for special operations, for operations that aren't given ticker-tape parades in which a number of people know about and are briefed on, but which are crucial to our Nation's security. Those men and women who serve in those very important positions in special operations can be thankful they had JIM SAXTON over these years to be supportive of them. And he is still supportive of them in his job as ranking member to Mr. ABERCROMBIE on Air Land.

Similarly, Mr. EVERETT has an insight and understanding of matters relating to space and missile defense that I think are matched by very few people in this country. And TERRY EVERETT is the master of the closed briefing. He makes very few speeches. TERRY EVERETT is not a guy you look to for long speeches, he's a guy you look to for hard work, for thoughtful analysis, and for doing the right thing when it comes to making sure that as we move into the next 5 to 10 years, we have what it takes in missile defense and in space to ensure America's security.

I want to applaud those retiring members of the committee and once again thank my chairman and all the members of the Armed Services Committee who make this such a great bipartisan committee.

I think we need to support this rule and move this great package down the road.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to my friend, the gentleman from Wisconsin (Mr. KAGEN).

Mr. KAGEN. Mr. Speaker, I rise today in strong support of the rule for the National Defense Authorization Act and the underlying legislation.

As Congress authorizes this critical funding for the defense of our Nation and its interests abroad, we also have an opportunity to make sure that the current nationwide mortgage housing situation does not adversely affect our veterans.

Current law provides some protections from bankruptcy and foreclosure for the men and women in uniform while serving in harm's way. But it does not provide for debt forgiveness or other relief from contractual obligations of servicemembers who have been called to active duty.

Given the frequency with which military homeowners are forced to move to different bases throughout the country and overseas, our brave service men and women should not have to worry about forestalling or even preventing mortgage foreclosure.

I commend Chairman SKELTON and Mr. HASTINGS and ranking members for including provisions of a bill that I authored that calls upon the Secretary of Defense to establish a mortgage foreclosure and credit counseling program for members of the armed services and those who are returning from overseas.

Credit counseling is available from many sources, including State and local governmental agencies, but not all counseling services are the same or even legitimate. Providing veterans with credible information through the Department of Defense will enhance their ability to make sound financial decisions during difficult times and to provide assistance before a potential problem or crisis arises.

Therefore, I urge my colleagues to support passage of the National Defense Authorization Act.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Texas, a member of the Armed Services Committee, Mr. CONAWAY.

Mr. CONAWAY. Mr. Speaker, I thank my colleague from Washington for yielding some time.

I did vote for the underlying bill that this rule is associated with and intend to vote for it on the floor as it is currently drafted. But I'm going to speak against the rule and intend to vote against the rule, should we get that vote.

While the Defense Authorization Act doesn't have much public policy in relation to energy in it, it is a beneficiary of good, sound national energy policy.

DOD is the single largest department purchaser of energy of any of the Federal agencies that this Congress oversees. It would benefit dramatically by decreases in costs of energy, as would every consumer, every American home would as well. And conversely, its budgets are dramatically negatively impacted with rampant run-up in costs. We fly jets, we drive tanks and Humvees and other vehicles, and we have to buy that fuel to get that done. These increased costs as a result of an unsound national policy on energy are a detriment to the Department of Defense.

A sound national policy on energy should promote additional supplies of domestically produced sources, both fossil fuel sources as well as unconventional sources. It's not an either/or, it ought to be both. And this Democratically led House has consistently, over the last 16 months, had a very negative bias against fossil fuel sources.

Every rational projection of energy usage over the next 20 to 30 years shows that we will continue to be reliant on crude oil and natural gas for that entire time frame. The larger the domestic supply of crude oil and natural gas we have, the less dependent we are on foreign sources and the cheaper it will be. There is an action in economic law for supply and demand that says if you restrict the supply, then your costs are going up. And increased costs of energy and fuel to the Department of Defense is a negative that we ought to address.

If you punish the producers of crude oil and natural gas, you're going to get less of it. The bill we passed yesterday, which unleashes the Department of Justice on an unwarranted witch hunt against the oil and gas industry, will increase costs and will, therefore, have a negative impact on the operations of the Defense Department, which this authorization bill governs. Those increased costs are not in the best interests of Americans and not in the best interests of the Department of Defense.

So while this bill and this rule do not specifically address our national energy policy, a policy that is sound and promotes domestic production of both crude oil and natural gas as well as unconventional sources of energy to supply our Department of Defense with the energy it needs to fly those airplanes, drive those tanks, drive those Humvees, and light the offices at the Pentagon, as well as the housing associated with the Department of Defense, is in all of our best interests. I would urge our colleagues to look at that as we approach these issues.

I urge a ''no'' vote on this rule.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Colorado, my friend, a member of the Armed Services Committee, Mr. UDALL.

(Mr. UDALL of Colorado asked and was given permission to revise and extend his remarks.)

Mr. UDALL of Colorado. I thank the gentleman from Florida for yielding.

Mr. Speaker, I rise in strong support of this rule and this bill. I want to start by applauding Chairman SKELTON for his leadership and also Ranking Member HUNTER. They have done a tremendous job as have their expert staff.

I am particularly grateful to Chairman SKELTON and Chairman SMITH for working with me to provide an important provision for Colorado. The bill prohibits the Department of Defense from transporting away from the Pueblo chemical depot in the 2009 fiscal year the hazardous wastes left after the chemical treatment of mustard agent.

This language is necessary because the DOD continues to look at treating these secondary wastes offsite despite studies showing that shipping these wastes will not yield benefits and despite the clear preferences expressed by the community of Pueblo to treat these wastes onsite.

Last year, Congress mandated that the DOD complete all chemical weapons destruction activities, including the destruction of 2,600 tons of liquid mustard agent housed at the Pueblo depot by 2017. The Department of Defense should get on with this approved plan to treat the secondary wastes at the depot and not delay this program any further.

□ 1215

More broadly, our bill focuses on our military's readiness needs. After more than 5 years at war, both the Active Duty and Reserve forces are stretched to their limits. Our bill will provide what's needed to respond, including funds to address equipment shortages for Active Duty and Reserve forces, improve the quality of our military barracks, ammunition maintenance, and expand training opportunities, among other important readiness needs. It increases Army end strength, consistent with the Tauscher-Udall Army expansion bill in the last Congress. And, importantly, it will provide for a 3.9 percent across-the-board pay raise for servicemembers, boost funding for the defense health program, and prohibit increasing TRICARE and pharmacy user fee increases.

Mr. Speaker, this is an excellent bill, carefully drafted and bipartisan, and I urge its passage.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of my time.

Once again I am going to ask my colleagues to defeat the previous question so that, with the high price of gasoline that all Americans have experienced, by defeating the previous question, this House can finally consider solutions to rising energy costs. When the previous question is defeated, I will move to add a section to the rule, not rewrite the entire rule, that would allow the House to consider H.R. 5984, the Clean Energy Tax Stimulus Act of 2008, introduced by my colleague from Maryland (Mr. BARTLETT), as well as ''any amendment which the proponent asserts, if enacted, would have the effect of lowering the national average price per gallon of regular unleaded gasoline and diesel fuel by increasing the domestic supply of oil by permitting the extraction of oil in the Outer Continental Shelf.''

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted into the RECORD prior to the vote on the previous question.

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

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I urge my colleagues to defeat the previous question once again so that we can consider this vitally important issue for America's families, workers, truckers, small businesses, and, for that matter, the entire economy.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, when Democrats were elected to the majority in 2006, we promised America that we would govern responsibly, with conviction and in a bipartisan fashion.

The Duncan Hunter Defense Authorization Act for Fiscal Year 2009, named appropriately after our colleague from California, is a bill that is a perfect example of all three of these things. It is further proof of how things have changed here in the House in a very short period of time.

The bill continues the necessary cleaning up of the mess created by the Bush administration by modernizing our forces and restoring readiness to our military. It gives our Armed Forces the tools they need to get the job done abroad while taking care of our soldiers and their families here at home.

This is a good rule for a great bill. I urge my colleagues to support both.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 1213 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 2. That upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5984) to amend the Internal Revenue Code of 1986 to provide for the limited continuation of clean energy production incentives and incentives to improve energy efficiency in order to prevent a downturn in these sectors that would result form a lapse in the tax law. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. After general debate the bill shall be considered for amendment under the five-minute rule. All

points of order against provisions in the bill are waived. No amendment to the bill shall be in order except any amendment which the proponent asserts. if enacted, would have the effect of lowering the national average price per gallon of regular unleaded gasoline and diesel fuel by increasing the domestic supply of oil by permitting the extraction of oil in the Outer Continental Shelf. Such amendments shall be considered as read, shall be debatable for thirty minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall he considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

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

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

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

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON S. CON. RES. 70, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009

Mr. MCGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1214 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1214

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the concurrent resolution (S. Con. Res. 70) setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read. The conference report shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget.

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

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

I yield myself such time as I may consume, and I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1214.

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

There was no objection.

Mr. MCGOVERN. Mr. Speaker, House Resolution 1214 provides for consideration of the conference report to accompany S. Con. Res. 70, the concurrent resolution on the budget for fiscal year 2009.

House resolution 1214 is a traditional conference report rule. It waives all points of order against the conference report and against its consideration and provides that the conference report shall be considered as read. The rule provides for 1 hour of general debate equally divided and controlled by the chairman and the ranking minority member of the Committee on the Budget.

Mr. Speaker, budgets are moral documents. They are more than just an accounting of expenditures and revenue. They are statements of our national values and priorities. For too long Congress passed budgets with the wrong priorities. For too long the budget put the interests of the powerful before the needs of working families and those going through hard times. And for too long the budgets of the past pretended that people who were struggling didn't even exist, let alone matter.

That has changed now. This Congress, the New Direction Congress, is saying that we value our families and their economic future. This Congress will fight to make sure that their hard work is rewarded and that the American Dream is renewed.

This 5-year budget conference agreement charts a new way forward for the country. It makes investments in energy, education, and infrastructure. It provides tax relief for the middle class. It returns the budget to surplus in 2012 and 2013. And it remembers those whose service and sacrifice here at home and abroad provide the rest of us with security and peace of mind. Mr. Speaker, this is a budget with a conscience.

Today, as we move to pass this conference agreement on the budget, our country faces major challenges: an economic recession, a crisis in the credit markets, a plunging housing market, rising unemployment, declining family income, skyrocketing costs in health care, aging infrastructure, and a safety net struggling to keep up with the growing number of Americans unable to meet their most basic needs.

Faced with these challenges, President Bush and his Republican colleagues proposed the same tired, failed economic and fiscal policies. After 7 years the Bush legacy is the highest deficits in our Nation's history. The Bush legacy is the greatest national debt in our Nation's history. Future generations, our children and our grandchildren, will be forced to pay the

price for this unprecedented rise in debt, a legacy of President George Bush and the Republicans' reckless and irresponsible policies.

With this budget resolution, Mr. Speaker, the Democrats are ready to take the necessary steps, as difficult as they may be, to regain our economic health and reclaim our children's future. It is a balanced budget with balanced priorities.

It returns the budget to balance with projected surpluses in 2012 and 2013 by adhering to fiscally responsible policies. It strengthens the U.S. economy over the long term while calling for funds to help Americans struggling in the current economic downturn. It rejects, and I repeat, it rejects the Republicans' harmful cuts to Medicare and Medicaid, the Community Development Block Grant program, and LIHEAP. And it protects priorities like SCHIP, infrastructure needs, homeland security, innovation, energy, education, health care, veterans, and the environment.

This budget agreement does not include any tax increases, despite the overheated claims of the other side. Quite the contrary, it supports significant tax relief, including extension of marriage penalty relief, the child tax credit, the 10 percent bracket, and allowing for estate tax reform. It includes an additional year of relief for the alternative minimum tax that is fully paid for, Mr. Speaker. And it provides for property tax relief, energy and education tax relief, and extenders.

Finally, this budget remembers those who serve at home and abroad. It provides strong and substantial funding for national defense, including quality of life for our troops and their families. It provides more funding for homeland security programs, including first responders, more than the President would. It provides for the care and treatment of all of our veterans but most especially our newest generation of veterans, those returning from Iraq and Afghanistan, many of whom are grievously wounded and thousands who will require treatment for posttraumatic stress and serious depression. Finally, Mr. Speaker, it rejects President Bush's cynical new fees for veterans health care.

In short, Mr. Speaker, this budget charts a new direction for a stronger, safer, more compassionate America.

Mr. Speaker, there are two significant differences between the House- and Senate-passed budgets which this conference report resolves. First were the reconciliation revisions to the alternative minimum tax. And the second is the level of nondefense discretionary funding.

On reconciliation, the conference agreement drops the House-passed reconciliation instructions. Instead, it provides for 1 year of AMT relief that is fully paid for. The House will continue to work with the Senate to identify how to pay for permanent relief of the AMT. In the House such a solution is subject to our PAYGO rules of order and must be fully offset. With the passage of this conference report, any AMT fix offered in the Senate that increases the deficit by $10 billion in a year will also be subject to a Senate point of order.

On nondefense discretionary spending, the difference between the House and Senate budgets was $3.6 billion, and the conference agreement splits the difference. By holding most nonsecurity spending to a modest 1 percent above inflation, we are able to move the budget out of deficit and into surplus by the year 2012 while still providing substantially greater investment in education, income security, veterans, and natural resources.

I urge my colleagues, Mr. Speaker, to adopt this rule and to approve the conference agreement on the fiscal year 2009 budget resolution.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MCGOVERN) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

(Mr. LINCOLN DIAZ-BALART of Florida asked and was given permission to revise and extend his remarks.)

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, there are only two ways to balance the budget: You can either spend less or you can increase the amount of money coming in.

The majority, as reflected in their budget, have rejected the first option and instead have chosen higher spending, higher taxes, and a bigger Federal Government.

Republicans have chosen a more responsible approach by committing to spending less and letting workers, families, and small businesses keep more of their hard-earned income to save, invest, and spend as they see fit.

While Republicans have faith in the ability of workers and families to decide how best to use their paychecks, the majority budget reflects the majority's belief that the Federal Government can make better choices at spending money than individual Americans.

□ 1230

That is a fundamental difference between Democrats and Republicans. In order for the majority to fund their government spending, their budget raises taxes by two-thirds of a trillion dollars over the next 5 years. That is almost $700 billion. I want to repeat that, Mr. Speaker. Two-thirds of a trillion dollars.

At a time of an economic slowdown and increased cost of living, American families everywhere are tightening their belts and carefully budgeting their hard-earned money. This is not the time for the majority to be forcing American families to send more of their hard-earned money to Washington. Instead, we should be passing pro-growth policies to help create jobs and economic prosperity. Mr. Speaker, tax increases are not a pro-growth policy. They are anti-growth, anti-small business, anti-job creation, and we should reject them.

Now you can call this a tax increase or you can call it letting tax cuts expire, but the reality is that under the majority's budget, every American will pay more of their paycheck to the Federal Government. That includes many middle class families, small business owners, and entrepreneurs.

Although Democrats try to claim otherwise, the numbers in their own budget document show that taxes will increase nearly three times more than when the largest enacted tax hike to date was passed, making this the largest tax increase in American history. While the majority claims their budget will protect middle class families, their budget numbers tell a different story.

Under the massive tax increases in the majority's budget, the average taxpayer in the State of Florida, for example, will see his or her annual bill increase by over $3,000. The majority's budget lets the current tax cuts expire, and some of those tax cuts are very important to Americans, to our economy.

For example, seniors could see taxes on their investments and savings income double. Forty-eight million married couples could once again face a marriage tax penalty, costing them $3,000 per year. Young families could see a reduction in the child tax credit. States such as Florida may not get an extension of the State sales tax deduction.

The majority's budget may even manage to resurrect the death tax. This will particularly hurt the small businesses in the district that I'm honored to represent, which provide the majority of the community's jobs. It may even hit 26 million additional middle class taxpayers with the alternative minimum tax. Their budget also assumes that 6 million Americans who currently do not pay any taxes, will once again have to pay taxes.

Mr. Speaker, in order to boost our economy, increase investment in the United States, create jobs, Congress should not be raising taxes by the largest amount in history.

At this time, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I would like to insert in the RECORD a statement by Robert Greenstein, the Executive Director of the Center on Budget and Policy Priorities. The statement calls the claims by my friends on the Republican side that somehow this is a tax increase in this bill, he exposes it as being inaccurate.

CENTER ON BUDGET
AND POLICY PRIORITIES,
Washington, DC, May 20, 2008.

STATEMENT BY ROBERT GREENSTEIN, EXECUTIVE DIRECTOR, ON MISLEADING CLAIMS THAT CONGRESSIONAL BUDGET PLAN CALLS FOR ''LARGEST TAX INCREASE IN HISTORY''

Some claim that the budget plan of the conferees—which the House and Senate are

scheduled to consider this week—would constitute ''the largest tax increase in history.'' This claim is inaccurate, just as the same claim was inaccurate with regard to the budget resolution that Congress adopted last year. This year's budget plan does not include a tax increase. It actually calls for a $340 billion reduction in revenues, reflecting its assumption that Congress will extend some parts of the 2001 and 2003 tax cuts without offsetting the costs.

The charge that the conferees' plan includes a large tax increase arises not from any policy changes that the plan proposes, but instead from policies enacted in 2001 and 2003. Those policies put in place tax cuts that President Bush proposed, but also provided for those tax cuts to expire at the end of 2010. The budget plan assumes that Congress will amend current law to extend some of the expiring tax cuts (especially those affecting middle-class families) and make other changes in tax policy, but it also assumes Congress will partly offset the cost of such changes. The plan does not assume that Congress will increase total revenues above what the federal government expects to collect under current policies—to the contrary, it assumes Congress will reduce total revenues below what is expected under current policies.

The President's tax cuts expire in 2010 because their supporters deliberately designed them that way, in order to fit the tax cuts within the cost constraints imposed by the budget resolutions that Congress adopted in 2001 and 2003. While acknowledging that their real goal was to make the tax cuts permanent, supporters of those measures opted to ''sunset'' the tax cuts before the end of the ten-year budget window, partly to avoid recognizing the cost of permanent tax cuts. Now, a few years from the tax cuts' expiration, some of these same supporters are acting as though the tax cuts are already permanent and that any proposal to offset any portion of the cost of extending them is a ''tax increase.''

To extend the tax cuts without paying for them—and to attack those who simply seek to require that Congress at least partially pay for any extension of the tax cuts—further heightens the irresponsible fiscal nature of the original actions.

Mr. Speaker, the fact of the matter is that George Bush and the previous Republican Congresses have created a mess. We are faced with the largest deficits and debt in the history of our country, thanks to their fiscally irresponsible policies. We have more people in this country who are in poverty because of their policies of neglect. We have more people in this country who are hungry because of their policies of neglect. Our veterans are finally, at long last, because of Democratic policies, getting the benefits and the funding that they have earned. But for years, because of Republican policies and because of the misplaced priorities of this White House, they have been short-changed.

We have more people without jobs today because of their neglectful policies. Our infrastructure is falling apart. I come from Massachusetts. We have an aging infrastructure. We have bridges in my State that are older than some of the other States in this country, and the Federal response has been to provide less and less and less funding. The infrastructure is crumbling. It's a danger to people. But those burdens, the cost burden has fallen on the States and our local communities.

So I can go on and on about their policies, which have literally created a mess, including these high gas and oil prices that we are paying right now because they didn't think it was important to invest in alternative renewable clean energy sources. So here we are, and thankfully, Mr. Speaker, thankfully, the American people get it, as we have seen in the recent elections where, in traditional hard-core Republican areas of this country, voters have said, Enough. We have had enough. And they have voted for Democrats.

Mr. Speaker, one of the things about this budget that we are talking about here today is that it rejects the President's harmful cuts in a number of programs that people in this country think are valuable. This conference agreement on the budget rejects the President's deep cuts affecting a wide range of services and constituencies, including $479 billion of Medicare cuts and $94 billion to cuts in Medicaid over 10 years. That was the Presidents' priorities. That was the Republican's priorities. This budget, the Democratic budget, rejects those cuts.

It also rejects more than $18 billion over 5 years in new fees for veterans and military retirees. How in good conscience could anybody propose that, given the fact that our men and women are serving with such great distinction in Afghanistan and Iraq. They deserve better than more fees.

This budget also rejects cuts to services that help our communities, including the community development block grant and the low-income home energy assistance program, which is so important in the Northeast and in other parts of this country.

This budget, the Democratic budget, rejects the President's call for the elimination of several State and local law enforcement programs, including the State criminal alien assistance program, Byrne Grants, and the COPS program. This Democratic budget also says no to the President's cuts to EPA grants that help protect public health and maintain environmental quality.

So we have different priorities as Democrats than the Republicans have put forward over the years. The budget that we are proposing strengthens our economy. It provides crucial funding for the Democratic Innovation Agenda and the America Competes Act to enhance our competitive edge. It increases funding for math and science education and research.

We understand, Mr. Speaker, that it is important to invest in our educational institutions. It is important to invest in math, science, and engineering now so that we can be competitive in this global economy, so that we can be the place where the jobs of tomorrow locate.

This budget that we are proposing, Mr. Speaker, increases funding for efficient and renewable energy programs. It rejects the President's cuts to research, as well as his proposed cuts to weatherization assistance for lower income families, and it invests in renewable clean energy alternatives. This budget invests in education, as I mentioned. It provides significantly more than the President proposed. And it invests in infrastructure, in our highways, water, and other infrastructure by providing sufficient funding in a reserve fund to facilitate new initiatives in a deficit-neutral manner.

On a whole range of issues, Democrats have decided to chart a very different course than what the Republicans have proposed for the previous years. I am proud of the fact that we are moving this country in a different direction, and the sad part is that we have to dig ourselves out of this mess that they created.

This is a budget that I think we can be proud of, and I would urge all my colleagues to support it.

I reserve my time at this point.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Georgia, Dr. GINGREY.

Mr. GINGREY. Mr. Speaker, I thank the gentleman for yielding, and I rise in strong, strong opposition to this budget.

Mr. Speaker, this budget conference report calls for record tax increases and it increases discretionary spending by $241 billion above the President's budget over the next 5 years. It does nothing to reform entitlement or earmarks. Even worse, the Democrats have already signaled their intent to put off the appropriations until next January, at the earliest, making this budget an exercise in futility.

Mr. Speaker, I wanted also to say something about the energy crisis that we are in today. On April 24, 2006, Mr. Speaker, that is almost 2 years ago, then-minority leader NANCY PELOSI stated in a press conference that, and I quote, ''Democrats have a commonsense plan to help bring down skyrocketing gas prices.'' Not only have House Democrats failed to offer any meaningful solutions to address gas prices, they have actually put forward policies that will have exactly the opposite effect. She made this statement April 24, 2006, 6 months before the November elections, when the Democrats did gain the majority.

Since taking control of Congress, Mr. Speaker, gasoline prices have skyrocketed by more than $1.60 a gallon in my home State of Georgia. In fact, in Georgia's 11th District, my congressional district, northwest Georgia, working families are now paying as much as $3.78 for a gallon of regular gasoline.

Every dollar counts, Mr. Speaker, and families should not have to spend them on this ''Pelosi premium.'' They need to buy school equipment, they need to put shoes on their children's feet, they need to buy clothes this fall. Every dollar indeed counts, Mr. Speaker. Working families and their budgets

need relief. They do not need more broken promises. Energy prices are rising, cost of living expenses are up, and the Democrats do-nothing leadership has proven that it's content to just sit on the sidelines and do little, other than raise taxes and increase spending.

With gasoline prices skyrocketing, our dependence on foreign oil increasing, and the American peoples' anxiety growing, it is long past time to increase the supply of American-made energy to help lower these prices here at home.

Mr. Speaker, I am not holding my breath for a commonsense plan. Maybe there was a plan, but it sure wasn't common sense, and it definitely didn't lower gas prices. That is what Speaker PELOSI promised the American people 2 years ago. I hope the Democrats will begin working with the Republicans and let's do lower energy prices. Let's have a meaningful energy bill that makes sense.

With that, Mr. Speaker, again, I oppose this rule on the budget resolution, and I ask my colleagues on the other side of the aisle, let's do something meaningful about gas prices.

Mr. MCGOVERN. Mr. Speaker, I would just simply respond to the gentleman by saying we have proposed many meaningful measures to try to deal with not only the current energy prices but also to come up with a long-term plan so that we are not so reliant on foreign oil. Unfortunately, it's difficult to get things done with Republican obstructionism and a President who vetoes everything. Any good idea to invest more in renewable clean alternative energy sources, to further develop second or third generation biofuels, this President objects to. The only thing he likes is if we give more to the oil companies.

We had the DICK CHENEY ''secret energy task force,'' which we don't know all the details because the public was denied access to this information. But we do know this, that the outcome of that was more of the same. More drilling, more drilling, more reliance on oil, more reliance on oil. The same old, same old. We are done with that. We are done with that.

I should remind everybody that when George Bush became President, a gallon of gasoline was $1.47. Now it's in excess of $3.79. In some places, over $4. So that is what has resulted from their policies and their obstructionism. As I said before, and I will say it again, the good news is the American people get it. They are tired of it. That is why we are seeing in hard-core Republican congressional districts Democratic victories. Things are changing.

I reserve my time, Mr. Speaker.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my privilege to yield 3 minutes to the distinguished ranking member of the Appropriations Committee, Mr. LEWIS of California.

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

Mr. LEWIS of California. I thank my colleague from Florida.

Mr. Speaker, I have only one good thing to say about the Democrat majority's budget resolution. Unlike the only other budget-related legislation considered by the House this year, at least this resolution, the budget resolution, follows regular order, not like the Appropriations Committee process this year.

□ 1245

Having looked at this budget in some detail, my advice to working families is simple: Hold on to your wallet. For the first time in history, the proposed discretionary budget will exceed $1 trillion. Think about that. $1 trillion. This bloated budget blueprint is a clear demonstration that the Democrat majority in Congress is keenly focused on dipping into your pockets to take more and more of your hard-earned money.

This budget shows that the Democrat majority will raise taxes without hesitation to support its addiction to spending. And it shows that Democrats in Congress are not interested in making difficult choices, setting priorities or rooting out waste in government spending. While our constituents struggle to keep up with their budgets, to fill their automobiles with gasoline, to buy groceries, for example, Democrats want to spend and tax to continue their dance in the majority.

Mr. MCGOVERN. Mr. Speaker, before yielding to the next speaker, I would just respond by saying to my friends on the other side of the aisle, you have had your chance. You were in control of this institution for many years and you had a Republican President, and what you did was create a situation, the one we are in right now, where we have the largest debt in the history of the United States of America.

The American people have rejected very clearly your policies and they are looking for a new direction, and that is what Democrats are going to offer.

Mr. Speaker, I would like to yield 2 minutes to the gentlewoman from Pennsylvania, a member of the Budget Committee, Ms. SCHWARTZ.

Ms. SCHWARTZ. Mr. Speaker, as a member of the Budget Committee, I believe that Congress has an obligation to move our country forward with sound fiscal policy and smart, forward-thinking investments to make America stronger, safer and more secure. I want to thank Chairman SPRATT and the Democratic leadership for their steadfast commitment to a spending blueprint that is fiscally sound and reflects Americans' priorities.

This budget reflects the priorities of Americans while balancing the budget by 2012 without adding to our national debt. It ensures tax relief for middle class American families by committing to an immediate and long-term fix to the alternative minimum tax. And it reflects our commitment to quality health care for all Americans by sustaining and strengthening health benefits for our veterans, our seniors, our children, the disabled, promoting innovation and medical research, and responsibly addressing growing costs, inefficiencies and abuses in the system.

This budget is a first step towards making our economy stronger, our country safer, and guiding us towards a new direction, the right direction for building success for American businesses and for American families, building this country's future.

I urge my colleagues to support passage of this sound and fiscally responsible budget for America.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself the balance of my time.

It has been an interesting debate. Basically I have heard two contradictory arguments. One is that when the Republicans were in the majority, we didn't spend enough on social programs. I remember every year of our majority, for example, increasing veterans spending. As a matter of fact, there has been significant criticism of Republicans when we were in the majority for too much spending globally and in general. I have heard basically two different theories. So I wish that our friends on the other side the aisle would kind of choose which of the two scripts to read. Either we spent too much, or we spent too little.

The reality is that in the Democrats' budget, basically it is a blindfold budget, Mr. Speaker, because the minefields that are laying before the future of this Nation, the needs that we do have to look at and see how we are going to address, the major problems facing this Nation, for example, entitlement reform, all the objective, nonpartisan economists and other experts will tell us that we need to look at such matters in the future of this Nation. But they are not even touched upon, not even mentioned, by the majority in its budget.

Obviously they have a tremendous amount of increased spending. It is evident. They don't call them tax increases, they call them the end of tax cuts. But there are massive tax increases that will be required to fund the Democrats' budget, and then the great problems facing this Nation are simply in blindfold fashion ignored. So it is a very shortsighted budget, it is fiscally irresponsible, and certainly we hope that all Members will oppose it.

Mr. Speaker, this rule provides obviously for consideration of the budget conference report. Budgets inevitably are a very important issue, and especially to many Americans who are taking nowadays a deeper, more careful look into their own budgets, because every day the rising cost of gasoline is taking more and more of their hard-earned income. Part of the reason that we are seeing increasing gas prices is because we have become more and more dependent on foreign oil while avoiding development of domestic energy sources.

I learned the other day how more than 80 percent of the electricity generated in France, for example, is from nuclear power. There is a very strong environmental movement in France, and yet in consensus fashion there they have moved forward with nuclear energy.

Imagine if we had built nuclear power plants. We haven't in about 30 years, nor any refineries. Imagine the amount of oil that we would be saving, how consumption would be reduced, if we also had had the vision and the determination to build nuclear power plants, safe, new nuclear plants in this country to substitute for oil. Well, we haven't. So part of the reason that we are seeing increasing gas prices is because we have become more and more dependent on foreign oil, while avoiding developing domestic energy sources.

Now, one important source of domestic energy is the Arctic National Wildlife Refuge in Alaska. However, efforts to develop just a tiny portion of ANWR have been fought and blocked to the detriment of America's energy independence, even though the people of Alaska, Mr. Speaker, are overwhelmingly in favor of searching for energy there. With the price of gasoline reaching records every day, we should be looking to do all we can to lower the price of gasoline, and that includes domestic exploration, when the people of a State wish to search for energy.

Today I will be asking each of my colleagues to vote ''no'' on the previous question to this rule. If the previous question is defeated, I will amend the rule to make it in order for the House to consider an amendment that would have the effect of lowering the national average price per gallon of regular unleaded gasoline and diesel fuel by increasing the domestic supply of oil, by permitting the extraction of oil in the Arctic National Wildlife Refuge, as the people of that great State and their Senators and Representative here in Congress wish to do.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

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

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. By voting ''no'' on the previous question, Members can take a stand against high fuel prices and our reliance on foreign energy sources.

I ask for a ''no'' vote on the previous question.

I yield back the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I am going to urge my colleagues to support this rule and to support the budget. It is amusing to hear my friends on the Republican side try to offer solutions on how to deal with the energy crisis, when they created it. This is their responsibility. This is a direct result of their failed policies; not investing in clean, renewable alternative energy sources; not building the necessary infrastructure to cultivate these new forms of energy; not investing in second and third generation biofuels. Instead, their policies have been the same old, same old.

My friend from Florida talks about ANWR. Boy, what a creative idea. Let's rely on the oil companies, the same companies that are gouging American taxpayers each and every day, making record profits. Let's do what they want us to do. Maybe the time has come to set a new direction.

With regard to this budget, our budget I think represents responsible governing. Their budgets, when they could ever actually pass budgets—and, by the way, when they were in charge they very rarely did; they especially couldn't muster votes during an election year—represent what I believe is irresponsible governing. They spent a ton of money. They spent too much money, by the way, on oil company subsidies and tax breaks, more and more to the oil companies. They spent too much on the wealthiest Americans, who didn't need any help, who weren't struggling. They spent too much on a misguided war in Iraq that we should never have fought to begin with. And they paid for all of this by passing the costs on to future generations by borrowing from other countries. We are more in debt because of their leadership to China and to India and to other countries.

Enough is enough. Again, that is why you are seeing in these hard-core Republican congressional districts Democrats winning, because the American people, Democrats and Republicans and independents, have had it with the Republican priorities.

Let me just close by reminding my colleagues that within this budget there are important investments, smart energy investments. This conference agreement on the budget provides $7.7 billion in funding for renewable energy, energy efficiency and other energy programs, which is, by the way, $2.8 billion more than the 2008 level. This budget, this Democratic budget, rejects President Bush's budget cuts to energy efficiency and renewable energy programs, including his proposed cuts to the solar energy program, and we reject his suggestion that we terminate the weatherization assistance program. Boy, talk about going in the wrong direction.

This budget, Mr. Speaker, invests $2 billion to create ''green collar'' jobs in our Nation's communities, because Democrats understand that not only do we need to be better stewards of our environment and become energy independent, but we also realize that there is the potential to create countless jobs in the area of environmental technologies. And this budget, Mr. Speaker, also includes a deficit neutral reserve fund to accommodate legislation that provides tax incentives for renewable energy or energy efficiency.

This is a good budget. If you want to deal not only with the short-term issues involving energy, but the long-term issues, then this is the budget you should vote for.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 1214 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 2. That upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5984) to amend the Internal Revenue Code of 1986 to provide for the limited continuation of clean energy production incentives and incentives to improve energy efficiency in order to prevent a downturn in these sectors that would result from a lapse in the tax law. The first reading of the bill shall he dispensed with. All points of order against consideration of the bill are waived. General debate shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. After general debate the bill shall he considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. No amendment to the bill shall be in order except any amendment which the proponent asserts, if enacted, would have the effect of lowering the national average price per gallon of regular unleaded gasoline and diesel fuel by increasing the domestic supply of oil by permitting the extraction of oil in the Arctic National Wildlife Refuge. Such amendments shall be considered as read, shall be debatable for thirty minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion or consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the

control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

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

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

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

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

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

□ 1300

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order: Ordering the previous question on House Resolution 1212; Adopting the resolution, if ordered; Ordering the previous question on House Resolution 1213; Adopting the resolution, if ordered; Ordering the previous question on House Resolution 1214; Adopting the resolution, if ordered.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.R. 6049, RENEWABLE ENERGY AND JOB CREATION ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1212, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

The vote was taken by electronic device, and there were—yeas 223, nays 190, not voting 21, as follows:

[Roll No. 338]

YEAS—223

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (WA)
Snyder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—190

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Cole (OK)
Conaway
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (NY)
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—21

Andrews	Gillibrand	Sensenbrenner
Brown, Corrine	Kennedy	Sessions
Castor	King (IA)	Slaughter
Coble	Kingston	Solis
Crenshaw	Olver	Speier
Cubin	Reynolds	Tiahrt
Fortenberry	Rush	Wexler

□ 1322

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

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Ms. SPEIER. Mr. Speaker, on rollcall No. 338, I was meeting with Emergency Room Physicians from California on H.R. 882, Access to Emergency Medical Services Act. Had I been present, I would have voted ''yea.''

Stated against:

Mr. KING of Iowa. Mr. Speaker, I was detained while attempting to reach the floor to cast my vote on rollcall 338 earlier this afternoon. Had I been able to reach the floor before the vote was closed, I would have voted ''no.''

Mr. COBLE. Mr. Speaker, on rollcall No. 338, I was attending the graduation ceremony at the United States Coast Guard Academy. Had I been present, I would have voted ''nay.''

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

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

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 223, nays 194, not voting 17, as follows:

[Roll No. 339]

YEAS—223

Abercrombie	Clyburn	Gordon
Ackerman	Cohen	Green, Al
Allen	Conyers	Green, Gene
Altmire	Cooper	Grijalva
Arcuri	Costa	Gutierrez
Baca	Costello	Hall (NY)
Baird	Courtney	Hare
Baldwin	Cramer	Harman
Barrow	Crowley	Hastings (FL)
Bean	Cuellar	Herseth Sandlin
Becerra	Cummings	Higgins
Berkley	Davis (AL)	Hinchey
Berman	Davis (CA)	Hinojosa
Berry	Davis (IL)	Hirono
Bishop (GA)	Davis, Lincoln	Hodes
Bishop (NY)	DeFazio	Holden
Blumenauer	DeGette	Holt
Boren	Delahunt	Honda
Boswell	DeLauro	Hooley
Boucher	Dicks	Hoyer
Boyd (FL)	Dingell	Inslee
Boyda (KS)	Doggett	Israel
Brady (PA)	Donnelly	Jackson (IL)
Braley (IA)	Doyle	Jackson-Lee (TX)
Butterfield	Ellison	Jefferson
Capps	Ellsworth	Johnson (GA)
Capuano	Emanuel	Johnson, E. B.
Cardoza	Engel	Jones (OH)
Carnahan	Eshoo	Kagen
Carney	Etheridge	Kanjorski
Carson	Farr	Kaptur
Cazayoux	Fattah	Kildee
Chandler	Filner	Kilpatrick
Childers	Foster	Kind
Clarke	Frank (MA)	Klein (FL)
Clay	Giffords	Kucinich
Cleaver	Gonzalez	Lampson
Langevin	Napolitano	Sires
Larsen (WA)	Neal (MA)	Skelton
Larson (CT)	Oberstar	Smith (WA)
Lee	Obey	Snyder
Levin	Olver	Solis
Lewis (GA)	Ortiz	Space
Lipinski	Pallone	Speier
Loebsack	Pascrell	Spratt
Lofgren, Zoe	Pastor	Stark
Lowey	Payne	Stupak
Mahoney (FL)	Perlmutter	Sutton
Maloney (NY)	Peterson (MN)	Tanner
Markey	Pomeroy	Tauscher
Marshall	Price (NC)	Taylor
Matheson	Rahall	Thompson (CA)
Matsui	Rangel	Thompson (MS)
McCarthy (NY)	Reyes	Tierney
McCollum (MN)	Richardson	Towns
McDermott	Rodriguez	Tsongas
McGovern	Ross	Udall (CO)
McIntyre	Rothman	Udall (NM)
McNerney	Roybal-Allard	Van Hollen
McNulty	Ruppersberger	Velázquez
Meek (FL)	Ryan (OH)	Visclosky
Meeks (NY)	Salazar	Walz (MN)
Melancon	Sánchez, Linda T.	Wasserman Schultz
Michaud	Sanchez, Loretta	Waters
Miller (NC)	Sarbanes	Watson
Miller, George	Schakowsky	Watt
Mitchell	Schiff	Waxman
Mollohan	Schwartz	Weiner
Moore (KS)	Scott (GA)	Welch (VT)
Moore (WI)	Scott (VA)	Wilson (OH)
Moran (VA)	Serrano	Woolsey
Murphy (CT)	Sestak	Wu
Murphy, Patrick	Shea-Porter	Yarmuth
Murtha	Sherman	
Nadler	Shuler	

NAYS—194

Aderholt	Flake	McCotter
Akin	Forbes	McCrery
Alexander	Fortenberry	McHenry
Bachmann	Fossella	McHugh
Bachus	Foxx	McKeon
Barrett (SC)	Franks (AZ)	McMorris Rodgers
Bartlett (MD)	Frelinghuysen	Mica
Barton (TX)	Gallegly	Miller (FL)
Biggert	Garrett (NJ)	Miller (MI)
Bilbray	Gerlach	Miller, Gary
Bilirakis	Gilchrest	Moran (KS)
Bishop (UT)	Gingrey	Murphy, Tim
Blackburn	Gohmert	Musgrave
Blunt	Goode	Myrick
Boehner	Goodlatte	Neugebauer
Bonner	Granger	Nunes
Bono Mack	Graves	Paul
Boozman	Hall (TX)	Pearce
Brady (TX)	Hastings (WA)	Pence
Broun (GA)	Hayes	Peterson (PA)
Brown (SC)	Heller	Petri
Brown-Waite, Ginny	Hensarling	Pickering
Buchanan	Herger	Pitts
Burgess	Hill	Platts
Burton (IN)	Hobson	Poe
Buyer	Hoekstra	Porter
Calvert	Hulshof	Price (GA)
Camp (MI)	Hunter	Pryce (OH)
Campbell (CA)	Inglis (SC)	Putnam
Cannon	Issa	Radanovich
Cantor	Johnson (IL)	Ramstad
Capito	Johnson, Sam	Regula
Carter	Jones (NC)	Rehberg
Castle	Jordan	Reichert
Chabot	Keller	Renzi
Cole (OK)	King (IA)	Reynolds
Conaway	King (NY)	Rogers (AL)
Cubin	Kirk	Rogers (KY)
Culberson	Kline (MN)	Rogers (MI)
Davis (KY)	Knollenberg	Rohrabacher
Davis, David	Kuhl (NY)	Ros-Lehtinen
Davis, Tom	LaHood	Roskam
Deal (GA)	Lamborn	Royce
Dent	Latham	Ryan (WI)
Diaz-Balart, L.	LaTourette	Sali
Diaz-Balart, M.	Latta	Saxton
Doolittle	Lewis (CA)	Scalise
Drake	Lewis (KY)	Schmidt
Dreier	Linder	Sessions
Duncan	LoBiondo	Shadegg
Ehlers	Lucas	Shays
Emerson	Lungren, Daniel E.	Shimkus
English (PA)	Mack	Shuster
Everett	Manzullo	Simpson
Fallin	Marchant	Smith (NE)
Feeney	McCarthy (CA)	Smith (NJ)
Ferguson	McCaul (TX)	Smith (TX)
Souder	Upton	Whitfield (KY)
Stearns	Walberg	Wilson (NM)
Sullivan	Walden (OR)	Wilson (SC)
Tancredo	Walsh (NY)	Wittman (VA)
Terry	Wamp	Wolf
Thornberry	Weldon (FL)	Young (AK)
Tiberi	Weller	Young (FL)
Turner	Westmoreland	

NOT VOTING—17

Andrews	Edwards	Sensenbrenner
Boustany	Gillibrand	Slaughter
Brown, Corrine	Kennedy	Tiahrt
Castor	Kingston	Wexler
Coble	Lynch	Wynn
Crenshaw	Rush	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1331

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. COBLE. Mr. Speaker, on rollcall No. 339, I was attending the graduation ceremony at the United States Coast Guard Academy. Had I been present, I would have voted ''nay.''

PROVIDING FOR CONSIDERATION OF H.R. 5658, DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1213, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 235, nays 186, not voting 13, as follows:

[Roll No. 340]

YEAS—235

Abercrombie	Cazayoux	Emanuel
Ackerman	Chandler	Engel
Allen	Childers	Eshoo
Altmire	Clarke	Etheridge
Arcuri	Clay	Farr
Baca	Cleaver	Fattah
Baird	Clyburn	Filner
Baldwin	Cohen	Foster
Barrow	Conyers	Frank (MA)
Bean	Cooper	Giffords
Becerra	Costa	Gonzalez
Berkley	Costello	Gordon
Berman	Courtney	Green, Al
Berry	Cramer	Green, Gene
Bilirakis	Crowley	Grijalva
Bishop (GA)	Cuellar	Gutierrez
Bishop (NY)	Cummings	Hall (NY)
Blumenauer	Davis (AL)	Hare
Boren	Davis (CA)	Harman
Boswell	Davis (IL)	Hastings (FL)
Boucher	Davis, Lincoln	Herseth Sandlin
Boyd (FL)	DeFazio	Higgins
Boyda (KS)	DeGette	Hill
Brady (PA)	Delahunt	Hinchey
Braley (IA)	DeLauro	Hinojosa
Butterfield	Dicks	Hirono
Capps	Dingell	Hodes
Capuano	Doggett	Holden
Cardoza	Donnelly	Holt
Carnahan	Doyle	Honda
Carney	Edwards	Hooley
Carson	Ellison	Hoyer
Castle	Ellsworth	Inslee

Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—186

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Andrews
Brown, Corrine
Castor
Coble
Crenshaw
Gillibrand
Kennedy
Kingston
Rush
Sensenbrenner
Slaughter
Tiahrt
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1339

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. COBLE, Mr. Speaker, on rollcall No. 340, I was attending the graduation ceremony at the United States Coast Guard Academy. Had I been present, I would have voted "nay."

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON S. CON. RES. 70, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1214, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 229, nays 186, not voting 19, as follows:

[Roll No. 341]

YEAS—229

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Bean
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Gerlach
Giffords
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—186

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul

Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Andrews
Becerra
Biggert
Broun (GA)
Brown, Corrine
Butterfield
Castor
Coble
Crenshaw
Edwards
Gillibrand
Kennedy
Kingston
Pickering
Rush
Sensenbrenner
Slaughter
Tiahrt
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1346

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. COBLE. Mr. Speaker, on rollcall No. 341, I was attending the graduation ceremony at the United States Coast Guard Academy. Had I been present, I would have voted "nay."

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

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

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 220, nays 199, not voting 16, as follows:

[Roll No. 342]

YEAS—220

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gonzalez
Gordon
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
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Sanchez, Loretta
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Broun (GA)
Brown (SC)
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Miller, Gary
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Ramstad
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Renzi
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Rohrabacher
Ros-Lehtinen
Roskam
Royce
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Sali
Saxton
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Schmidt
Sessions
Shadegg
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Shimkus
Shuler
Shuster
Simpson
Smith (NE)
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Souder
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Sullivan
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Upton
Walberg
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Wamp
Weldon (FL)
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Whitfield (KY)
Wilson (NM)
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Castor
Coble
Crenshaw
Forbes
Gillibrand
Green, Gene
Kennedy
Kingston
Rush
Sensenbrenner
Slaughter
Tiahrt
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1354

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. COBLE. Mr. Speaker, on rollcall No. 342, I was attending the graduation ceremony at the United States Coast Guard Academy. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, on rollcall Nos. 338, 339, 340, 341, and 342, I was at a bill signing at the White House. Had I been present, I would have voted "yea" on all.

RENEWABLE ENERGY AND JOB CREATION ACT OF 2008

Mr. RANGEL. Mr. Speaker, pursuant to House Resolution 1212, I call up the bill (H.R. 6049) to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6049

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

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Energy and Tax Extenders Act of 2008''.

(b) REFERENCE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title, etc.

TITLE I—ENERGY TAX INCENTIVES

Subtitle A—Energy Production Incentives

PART I—RENEWABLE ENERGY INCENTIVES

Sec. 101. Renewable energy credit.

Sec. 102. Production credit for electricity produced from marine renewables.
Sec. 103. Energy credit.
Sec. 104. Credit for residential energy efficient property.
Sec. 105. Special rule to implement FERC and State electric restructuring policy.
Sec. 106. New clean renewable energy bonds.
PART II—CARBON MITIGATION PROVISIONS
Sec. 111. Expansion and modification of advanced coal project investment credit.
Sec. 112. Expansion and modification of coal gasification investment credit.
Sec. 113. Temporary increase in coal excise tax.
Sec. 114. Special rules for refund of the coal excise tax to certain coal producers and exporters.
Sec. 115. Carbon audit of the tax code.
Subtitle B—Transportation and Domestic Fuel Security Provisions
Sec. 121. Credit for production of cellulosic biofuel.
Sec. 122. Inclusion of cellulosic biofuel in bonus depreciation for biomass ethanol plant property.
Sec. 123. Credits for biodiesel and renewable diesel.
Sec. 124. Modification of alcohol credit.
Sec. 125. Calculation of volume of alcohol for fuel credits.
Sec. 126. Clarification that credits for fuel are designed to provide an incentive for United States production.
Sec. 127. Credit for new qualified plug-in electric drive motor vehicles.
Sec. 128. Exclusion from heavy truck tax for idling reduction units and advanced insulation.
Sec. 129. Restructuring of New York Liberty Zone tax credits.
Sec. 130. Transportation fringe benefit to bicycle commuters.
Sec. 131. Alternative fuel vehicle refueling property credit.
Sec. 132. Comprehensive study of biofuels.
Subtitle C—Energy Conservation and Efficiency Provisions
Sec. 141. Qualified energy conservation bonds.
Sec. 142. Credit for nonbusiness energy property.
Sec. 143. Energy efficient commercial buildings deduction.
Sec. 144. Modifications of energy efficient appliance credit for appliances produced after 2007.
Sec. 145. Accelerated recovery period for depreciation of smart meters and smart grid systems.
Sec. 146. Qualified green building and sustainable design projects.
TITLE II—ONE-YEAR EXTENSION OF TEMPORARY PROVISIONS
Subtitle A—Extensions Primarily Affecting Individuals
Sec. 201. Deduction for State and local sales taxes.
Sec. 202. Deduction of qualified tuition and related expenses.
Sec. 203. Treatment of certain dividends of regulated investment companies.
Sec. 204. Qualified conservation contributions.
Sec. 205. Tax-free distributions from individual retirement plans for charitable purposes.
Sec. 206. Deduction for certain expenses of elementary and secondary school teachers.
Sec. 207. Election to include combat pay as earned income for purposes of earned income tax credit.
Sec. 208. Modification of mortgage revenue bonds for veterans.
Sec. 209. Distributions from retirement plans to individuals called to active duty.
Sec. 210. Stock in RIC for purposes of determining estates of nonresidents not citizens.
Sec. 211. Qualified investment entities.
Sec. 212. Exclusion of amounts received under qualified group legal services plans.
Subtitle B—Extensions Primarily Affecting Businesses
Sec. 221. Research credit.
Sec. 222. Indian employment credit.
Sec. 223. New markets tax credit.
Sec. 224. Railroad track maintenance.
Sec. 225. Fifteen-year straight-line cost recovery for qualified leasehold improvements and qualified restaurant property.
Sec. 226. Seven-year cost recovery period for motorsports racing track facility.
Sec. 227. Accelerated depreciation for business property on Indian reservation.
Sec. 228. Expensing of environmental remediation costs.
Sec. 229. Deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.
Sec. 230. Modification of tax treatment of certain payments to controlling exempt organizations.
Sec. 231. Qualified zone academy bonds.
Sec. 232. Tax incentives for investment in the District of Columbia.
Sec. 233. Economic development credit for American Samoa.
Sec. 234. Enhanced charitable deduction for contributions of food inventory.
Sec. 235. Enhanced charitable deduction for contributions of book inventory to public schools.
Sec. 236. Enhanced deduction for qualified computer contributions.
Sec. 237. Basis adjustment to stock of S corporations making charitable contributions of property.
Sec. 238. Work opportunity tax credit for Hurricane Katrina employees.
Sec. 239. Subpart F exception for active financing income.
Sec. 240. Look-thru rule for related controlled foreign corporations.
Sec. 241. Expensing for certain qualified film and television productions.
Subtitle C—Other Extensions
Sec. 251. Authority to disclose information related to terrorist activities made permanent.
Sec. 252. Authority for undercover operations made permanent.
Sec. 253. Authority to disclose return information for certain veterans programs made permanent.
Sec. 254. Increase in limit on cover over of rum excise tax to Puerto Rico and the Virgin Islands.
TITLE III—ADDITIONAL TAX RELIEF
Subtitle A—Individual Tax Relief
Sec. 301. Additional standard deduction for real property taxes for nonitemizers.
Sec. 302. Refundable child credit.
Sec. 303. Increase of AMT refundable credit amount for individuals with long-term unused credits for prior year minimum tax liability, etc.
Subtitle B—Business Related Provisions
Sec. 311. Uniform treatment of attorney-advanced expenses and court costs in contingency fee cases.
Sec. 312. Provisions related to film and television productions.
Subtitle C—Modification of Penalty on Understatement of Taxpayer's Liability by Tax Return Preparer
Sec. 321. Modification of penalty on understatement of taxpayer's liability by tax return preparer.
Subtitle D—Extension and Expansion of Certain GO Zone Incentives
Sec. 331. Certain GO Zone incentives.
TITLE IV—REVENUE PROVISIONS
Sec. 401. Nonqualified deferred compensation from certain tax indifferent parties.
Sec. 402. Delay in application of worldwide allocation of interest.
Sec. 403. Time for payment of corporate estimated taxes.

TITLE I—ENERGY TAX INCENTIVES

Subtitle A—Energy Production Incentives

PART I—RENEWABLE ENERGY INCENTIVES

SEC. 101. RENEWABLE ENERGY CREDIT.

(a) EXTENSION OF CREDIT.—

(1) 1-YEAR EXTENSION FOR WIND FACILITIES.—Paragraph (1) of section 45(d) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

(2) 3-YEAR EXTENSION FOR CERTAIN OTHER FACILITIES.—Each of the following provisions of section 45(d) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2012'':

(A) Clauses (i) and (ii) of paragraph (2)(A).

(B) Clauses (i)(I) and (ii) of paragraph (3)(A).

(C) Paragraph (4).

(D) Paragraph (5).

(E) Paragraph (6).

(F) Paragraph (7).

(G) Subparagraphs (A) and (B) of paragraph (9).

(b) MODIFICATION OF CREDIT PHASEOUT.—

(1) REPEAL OF PHASEOUT.—Subsection (b) of section 45 is amended—

(A) by striking paragraph (1), and

(B) by striking ''the 8 cent amount in paragraph (1),'' in paragraph (2) thereof.

(2) LIMITATION BASED ON INVESTMENT IN FACILITY.—Subsection (b) of section 45 is amended by inserting before paragraph (2) the following new paragraph:

''(1) LIMITATION BASED ON INVESTMENT IN FACILITY.—

''(A) IN GENERAL.—In the case of any qualified facility originally placed in service after December 31, 2009, the amount of the credit determined under subsection (a) for any taxable year with respect to electricity produced at such facility shall not exceed the product of—

''(i) the applicable percentage with respect to such facility, multiplied by

''(ii) the eligible basis of such facility.

''(B) CARRYFORWARD OF UNUSED LIMITATION AND EXCESS CREDIT.—

''(i) UNUSED LIMITATION.—If the limitation imposed under subparagraph (A) with respect to any facility for any taxable year exceeds the prelimitation credit for such facility for such taxable year, the limitation imposed under subparagraph (A) with respect to such facility for the succeeding taxable year shall be increased by the amount of such excess.

''(ii) EXCESS CREDIT.—If the prelimitation credit with respect to any facility for any taxable year exceeds the limitation imposed under subparagraph (A) with respect to such facility for such taxable year, the credit determined under subsection (a) with respect to such facility for the succeeding taxable

year (determined before the application of subparagraph (A) for such succeeding taxable year) shall be increased by the amount of such excess. With respect to any facility, no amount may be carried forward under this clause to any taxable year beginning after the 10-year period described in subsection (a)(2)(A)(ii) with respect to such facility.

''(iii) PRELIMITATION CREDIT.—The term 'prelimitation credit' with respect to any facility for a taxable year means the credit determined under subsection (a) with respect to such facility for such taxable year, determined without regard to subparagraph (A) and after taking into account any increase for such taxable year under clause (ii).

''(C) APPLICABLE PERCENTAGE.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'applicable percentage' means, with respect to any facility, the appropriate percentage prescribed by the Secretary for the month in which such facility is originally placed in service.

''(ii) METHOD OF PRESCRIBING APPLICABLE PERCENTAGES.—The applicable percentages prescribed by the Secretary for any month under clause (i) shall be percentages which yield over a 10-year period amounts of limitation under subparagraph (A) which have a present value equal to 35 percent of the eligible basis of the facility.

''(iii) METHOD OF DISCOUNTING.—The present value under clause (ii) shall be determined—

''(I) as of the last day of the 1st year of the 10-year period referred to in clause (ii),

''(II) by using a discount rate equal to the greater of 110 percent of the Federal long-term rate as in effect under section 1274(d) for the month preceding the month for which the applicable percentage is being prescribed, or 4.5 percent, and

''(III) by taking into account the limitation under subparagraph (A) for any year on the last day of such year.

''(D) ELIGIBLE BASIS.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'eligible basis' means, with respect to any facility, the sum of—

''(I) the basis of such facility determined as of the time that such facility is originally placed in service, and

''(II) the portion of the basis of any shared qualified property which is properly allocable to such facility under clause (ii).

''(ii) RULES FOR ALLOCATION.—For purposes of subclause (II) of clause (i), the basis of shared qualified property shall be allocated among all qualified facilities which are projected to be placed in service and which require utilization of such property in proportion to projected generation from such facilities.

''(iii) SHARED QUALIFIED PROPERTY.—For purposes of this paragraph, the term 'shared qualified property' means, with respect to any facility, any property described in section 168(e)(3)(B)(vi)—

''(I) which a qualified facility will require for utilization of such facility, and

''(II) which is not a qualified facility.

''(iv) SPECIAL RULE RELATING TO GEOTHERMAL FACILITIES.—In the case of any qualified facility using geothermal energy to produce electricity, the basis of such facility for purposes of this paragraph shall be determined as though intangible drilling and development costs described in section 263(c) were capitalized rather than expensed.

''(E) SPECIAL RULE FOR FIRST AND LAST YEAR OF CREDIT PERIOD.—In the case of any taxable year any portion of which is not within the 10-year period described in subsection (a)(2)(A)(ii) with respect to any facility, the amount of the limitation under subparagraph (A) with respect to such facility shall be reduced by an amount which bears the same ratio to the amount of such limitation (determined without regard to this subparagraph) as such portion of the taxable year which is not within such period bears to the entire taxable year.

''(F) ELECTION TO TREAT ALL FACILITIES PLACED IN SERVICE IN A YEAR AS 1 FACILITY.—At the election of the taxpayer, all qualified facilities which are part of the same project and which are placed in service during the same calendar year shall be treated for purposes of this section as 1 facility which is placed in service at the mid-point of such year or the first day of the following calendar year.''.

(c) TRASH FACILITY CLARIFICATION.—Paragraph (7) of section 45(d) is amended—

(1) by striking ''facility which burns'' and inserting ''facility (other than a facility described in paragraph (6)) which uses'', and

(2) by striking ''COMBUSTION''.

(d) EXPANSION OF BIOMASS FACILITIES.—

(1) OPEN-LOOP BIOMASS FACILITIES.—Paragraph (3) of section 45(d) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

''(B) EXPANSION OF FACILITY.—Such term shall include a new unit placed in service after the date of the enactment of this subparagraph in connection with a facility described in subparagraph (A), but only to the extent of the increased amount of electricity produced at the facility by reason of such new unit.''.

(2) CLOSED-LOOP BIOMASS FACILITIES.—Paragraph (2) of section 45(d) is amended by redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following new subparagraph:

''(B) EXPANSION OF FACILITY.—Such term shall include a new unit placed in service after the date of the enactment of this subparagraph in connection with a facility described in subparagraph (A)(i), but only to the extent of the increased amount of electricity produced at the facility by reason of such new unit.''.

(e) SALES OF NET ELECTRICITY TO REGULATED PUBLIC UTILITIES TREATED AS SALES TO UNRELATED PERSONS.—Paragraph (4) of section 45(e) is amended by adding at the end the following new sentence: ''The net amount of electricity sold by any taxpayer to a regulated public utility (as defined in section 7701(a)(33)) shall be treated as sold to an unrelated person.''.

(f) MODIFICATION OF RULES FOR HYDROPOWER PRODUCTION.—Subparagraph (C) of section 45(c)(8) is amended to read as follows:

''(C) NONHYDROELECTRIC DAM.—For purposes of subparagraph (A), a facility is described in this subparagraph if—

''(i) the hydroelectric project installed on the nonhydroelectric dam is licensed by the Federal Energy Regulatory Commission and meets all other applicable environmental, licensing, and regulatory requirements,

''(ii) the nonhydroelectric dam was placed in service before the date of the enactment of this paragraph and operated for flood control, navigation, or water supply purposes and did not produce hydroelectric power on the date of the enactment of this paragraph, and

''(iii) the hydroelectric project is operated so that the water surface elevation at any given location and time that would have occurred in the absence of the hydroelectric project is maintained, subject to any license requirements imposed under applicable law that change the water surface elevation for the purpose of improving environmental quality of the affected waterway.

The Secretary, in consultation with the Federal Energy Regulatory Commission, shall certify if a hydroelectric project licensed at a nonhydroelectric dam meets the criteria in clause (iii). Nothing in this section shall affect the standards under which the Federal Energy Regulatory Commission issues licenses for and regulates hydropower projects under part I of the Federal Power Act.''.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to property originally placed in service after December 31, 2008.

(2) REPEAL OF CREDIT PHASEOUT.—The amendments made by subsection (b)(1) shall apply to taxable years ending after December 31, 2008.

(3) LIMITATION BASED ON INVESTMENT IN FACILITY.—The amendment made by subsection (b)(2) shall apply to property originally placed in service after December 31, 2009.

(4) TRASH FACILITY CLARIFICATION; SALES TO RELATED REGULATED PUBLIC UTILITIES.—The amendments made by subsections (c) and (e) shall apply to electricity produced and sold after the date of the enactment of this Act.

(5) EXPANSION OF BIOMASS FACILITIES.—The amendments made by subsection (d) shall apply to property placed in service after the date of the enactment of this Act.

SEC. 102. PRODUCTION CREDIT FOR ELECTRICITY PRODUCED FROM MARINE RENEWABLES.

(a) IN GENERAL.—Paragraph (1) of section 45(c) is amended by striking ''and'' at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting '', and'', and by adding at the end the following new subparagraph:

''(I) marine and hydrokinetic renewable energy.''.

(b) MARINE RENEWABLES.—Subsection (c) of section 45 is amended by adding at the end the following new paragraph:

''(10) MARINE AND HYDROKINETIC RENEWABLE ENERGY.—

''(A) IN GENERAL.—The term 'marine and hydrokinetic renewable energy' means energy derived from—

''(i) waves, tides, and currents in oceans, estuaries, and tidal areas,

''(ii) free flowing water in rivers, lakes, and streams,

''(iii) free flowing water in an irrigation system, canal, or other man-made channel, including projects that utilize nonmechanical structures to accelerate the flow of water for electric power production purposes, or

''(iv) differentials in ocean temperature (ocean thermal energy conversion).

''(B) EXCEPTIONS.—Such term shall not include any energy which is derived from any source which utilizes a dam, diversionary structure (except as provided in subparagraph (A)(iii)), or impoundment for electric power production purposes.''.

(c) DEFINITION OF FACILITY.—Subsection (d) of section 45 is amended by adding at the end the following new paragraph:

''(11) MARINE AND HYDROKINETIC RENEWABLE ENERGY FACILITIES.—In the case of a facility producing electricity from marine and hydrokinetic renewable energy, the term 'qualified facility' means any facility owned by the taxpayer—

''(A) which has a nameplate capacity rating of at least 150 kilowatts, and

''(B) which is originally placed in service on or after the date of the enactment of this paragraph and before January 1, 2012.''.

(d) CREDIT RATE.—Subparagraph (A) of section 45(b)(4) is amended by striking ''or (9)'' and inserting ''(9), or (11)''.

(e) COORDINATION WITH SMALL IRRIGATION POWER.—Paragraph (5) of section 45(d), as amended by section 101, is amended by striking ''January 1, 2012'' and inserting ''the date of the enactment of paragraph (11)''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to electricity produced and sold after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 103. ENERGY CREDIT.

(a) EXTENSION OF CREDIT.—

(1) SOLAR ENERGY PROPERTY.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 48(a) are each amended by striking ''January 1, 2009'' and inserting ''January 1, 2015''.

(2) FUEL CELL PROPERTY.—Subparagraph (E) of section 48(c)(1) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2014''.

(3) MICROTURBINE PROPERTY.—Subparagraph (E) of section 48(c)(2) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2014''.

(b) ALLOWANCE OF ENERGY CREDIT AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4) is amended by striking ''and'' at the end of clause (iii), by redesignating clause (iv) as clause (v), and by inserting after clause (iii) the following new clause:

''(iv) the credit determined under section 46 to the extent that such credit is attributable to the energy credit determined under section 48, and''.

(c) ENERGY CREDIT FOR COMBINED HEAT AND POWER SYSTEM PROPERTY.—

(1) IN GENERAL.—Section 48(a)(3)(A) (defining energy property) is amended by striking ''or'' at the end of clause (iii), by inserting ''or'' at the end of clause (iv), and by adding at the end the following new clause:

''(v) combined heat and power system property,''.

(2) COMBINED HEAT AND POWER SYSTEM PROPERTY.—Section 48 is amended by adding at the end the following new subsection:

''(d) COMBINED HEAT AND POWER SYSTEM PROPERTY.—For purposes of subsection (a)(3)(A)(v)—

''(1) COMBINED HEAT AND POWER SYSTEM PROPERTY.—The term 'combined heat and power system property' means property comprising a system—

''(A) which uses the same energy source for the simultaneous or sequential generation of electrical power, mechanical shaft power, or both, in combination with the generation of steam or other forms of useful thermal energy (including heating and cooling applications),

''(B) which produces—

''(i) at least 20 percent of its total useful energy in the form of thermal energy which is not used to produce electrical or mechanical power (or combination thereof), and

''(ii) at least 20 percent of its total useful energy in the form of electrical or mechanical power (or combination thereof),

''(C) the energy efficiency percentage of which exceeds 60 percent, and

''(D) which is placed in service before January 1, 2015.

''(2) LIMITATION.—

''(A) IN GENERAL.—In the case of combined heat and power system property with an electrical capacity in excess of the applicable capacity placed in service during the taxable year, the credit under subsection (a)(1) (determined without regard to this paragraph) for such year shall be equal to the amount which bears the same ratio to such credit as the applicable capacity bears to the capacity of such property.

''(B) APPLICABLE CAPACITY.—For purposes of subparagraph (A), the term 'applicable capacity' means 15 megawatts or a mechanical energy capacity of more than 20,000 horsepower or an equivalent combination of electrical and mechanical energy capacities.

''(C) MAXIMUM CAPACITY.—The term 'combined heat and power system property' shall not include any property comprising a system if such system has a capacity in excess of 50 megawatts or a mechanical energy capacity in excess of 67,000 horsepower or an equivalent combination of electrical and mechanical energy capacities.

''(3) SPECIAL RULES.—

''(A) ENERGY EFFICIENCY PERCENTAGE.—For purposes of this subsection, the energy efficiency percentage of a system is the fraction—

''(i) the numerator of which is the total useful electrical, thermal, and mechanical power produced by the system at normal operating rates, and expected to be consumed in its normal application, and

''(ii) the denominator of which is the lower heating value of the fuel sources for the system.

''(B) DETERMINATIONS MADE ON BTU BASIS.—The energy efficiency percentage and the percentages under paragraph (1)(B) shall be determined on a Btu basis.

''(C) INPUT AND OUTPUT PROPERTY NOT INCLUDED.—The term 'combined heat and power system property' does not include property used to transport the energy source to the facility or to distribute energy produced by the facility.

''(4) SYSTEMS USING BIOMASS.—If a system is designed to use biomass (within the meaning of paragraphs (2) and (3) of section 45(c) without regard to the last sentence of paragraph (3)(A)) for at least 90 percent of the energy source—

''(A) paragraph (1)(C) shall not apply, but

''(B) the amount of credit determined under subsection (a) with respect to such system shall not exceed the amount which bears the same ratio to such amount of credit (determined without regard to this paragraph) as the energy efficiency percentage of such system bears to 60 percent.''.

(d) INCREASE OF CREDIT LIMITATION FOR FUEL CELL PROPERTY.—Subparagraph (B) of section 48(c)(1) is amended by striking ''$500'' and inserting ''$1,500''.

(e) PUBLIC UTILITY PROPERTY TAKEN INTO ACCOUNT.—

(1) IN GENERAL.—Paragraph (3) of section 48(a) is amended by striking the second sentence thereof.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 48(c) is amended by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

(B) Paragraph (2) of section 48(c) is amended by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—The amendments made by subsection (b) shall apply to credits determined under section 46 of the Internal Revenue Code of 1986 in taxable years beginning after the date of the enactment of this Act and to carrybacks of such credits.

(3) COMBINED HEAT AND POWER AND FUEL CELL PROPERTY.—The amendments made by subsections (c) and (d) shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

(4) PUBLIC UTILITY PROPERTY.—The amendments made by subsection (e) shall apply to periods after February 13, 2008, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 104. CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY.

(a) EXTENSION.—Section 25D(g) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2014''.

(b) MAXIMUM CREDIT FOR SOLAR ELECTRIC PROPERTY.—

(1) IN GENERAL.—Section 25D(b)(1)(A) is amended by striking ''$2,000'' and inserting ''$4,000''.

(2) CONFORMING AMENDMENT.—Section 25D(e)(4)(A)(i) is amended by striking ''$6,667'' and inserting ''$13,333''.

(c) CREDIT FOR RESIDENTIAL WIND PROPERTY.—

(1) IN GENERAL.—Section 25D(a) is amended by striking ''and'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting '', and'', and by adding at the end the following new paragraph:

''(4) 30 percent of the qualified small wind energy property expenditures made by the taxpayer during such year.''.

(2) LIMITATION.—Section 25D(b)(1) is amended by striking ''and'' at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting '', and'', and by adding at the end the following new subparagraph:

''(D) $500 with respect to each half kilowatt of capacity (not to exceed $4,000) of wind turbines for which qualified small wind energy property expenditures are made.''.

(3) QUALIFIED SMALL WIND ENERGY PROPERTY EXPENDITURES.—

(A) IN GENERAL.—Section 25D(d) is amended by adding at the end the following new paragraph:

''(4) QUALIFIED SMALL WIND ENERGY PROPERTY EXPENDITURE.—The term 'qualified small wind energy property expenditure' means an expenditure for property which uses a wind turbine to generate electricity for use in connection with a dwelling unit located in the United States and used as a residence by the taxpayer.''.

(B) NO DOUBLE BENEFIT.—Section 45(d)(1) is amended by adding at the end the following new sentence: ''Such term shall not include any facility with respect to which any qualified small wind energy property expenditure (as defined in subsection (d)(4) of section 25D) is taken into account in determining the credit under such section.''.

(4) MAXIMUM EXPENDITURES IN CASE OF JOINT OCCUPANCY.—Section 25D(e)(4)(A) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end the following new clause:

''(iv) $1,667 in the case of each half kilowatt of capacity (not to exceed $13,333) of wind turbines for which qualified small wind energy property expenditures are made.''.

(d) CREDIT FOR GEOTHERMAL HEAT PUMP SYSTEMS.—

(1) IN GENERAL.—Section 25D(a), as amended by subsection (c), is amended by striking ''and'' at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting '', and'', and by adding at the end the following new paragraph:

''(5) 30 percent of the qualified geothermal heat pump property expenditures made by the taxpayer during such year.''.

(2) LIMITATION.—Section 25D(b)(1), as amended by subsection (c), is amended by striking ''and'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting '', and'', and by adding at the end the following new subparagraph:

''(E) $2,000 with respect to any qualified geothermal heat pump property expenditures.''.

(3) QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY EXPENDITURE.—Section 25D(d), as amended by subsection (c), is amended by adding at the end the following new paragraph:

''(5) QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY EXPENDITURE.—

''(A) IN GENERAL.—The term 'qualified geothermal heat pump property expenditure' means an expenditure for qualified geothermal heat pump property installed on or in connection with a dwelling unit located in the United States and used as a residence by the taxpayer.

''(B) QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY.—The term 'qualified geothermal heat pump property' means any equipment which—

''(i) uses the ground or ground water as a thermal energy source to heat the dwelling unit referred to in subparagraph (A) or as a thermal energy sink to cool such dwelling unit, and

''(ii) meets the requirements of the Energy Star program which are in effect at the time that the expenditure for such equipment is made.''.

(4) MAXIMUM EXPENDITURES IN CASE OF JOINT OCCUPANCY.—Section 25D(e)(4)(A), as amended by subsection (c), is amended by striking ''and'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', and'', and by adding at the end the following new clause:

''(v) $6,667 in the case of any qualified geothermal heat pump property expenditures.''.

(e) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Subsection (c) of section 25D is amended to read as follows:

''(c) LIMITATION BASED ON AMOUNT OF TAX; CARRYFORWARD OF UNUSED CREDIT.—

''(1) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this subpart (other than this section) and section 27 for the taxable year.

''(2) CARRYFORWARD OF UNUSED CREDIT.—

''(A) RULE FOR YEARS IN WHICH ALL PERSONAL CREDITS ALLOWED AGAINST REGULAR AND ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) applies, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(2) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.

''(B) RULE FOR OTHER YEARS.—In the case of a taxable year to which section 26(a)(2) does not apply, if the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 23(b)(4)(B) is amended by inserting ''and section 25D'' after ''this section''.

(B) Section 24(b)(3)(B) is amended by striking ''and 25B'' and inserting '', 25B, and 25D''.

(C) Section 25B(g)(2) is amended by striking ''section 23'' and inserting ''sections 23 and 25D''.

(D) Section 26(a)(1) is amended by striking ''and 25B'' and inserting ''25B, and 25D''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

(2) APPLICATION OF EGTRRA SUNSET.—The amendments made by subparagraphs (A) and (B) of subsection (e)(2) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provisions of such Act to which such amendments relate.

SEC. 105. SPECIAL RULE TO IMPLEMENT FERC AND STATE ELECTRIC RESTRUCTURING POLICY.

(a) EXTENSION FOR QUALIFIED ELECTRIC UTILITIES.—

(1) IN GENERAL.—Paragraph (3) of section 451(i) is amended by inserting ''(before January 1, 2010, in the case of a qualified electric utility)'' after ''January 1, 2008''.

(2) QUALIFIED ELECTRIC UTILITY.—Subsection (i) of section 451 is amended by redesignating paragraphs (6) through (10) as paragraphs (7) through (11), respectively, and by inserting after paragraph (5) the following new paragraph:

''(6) QUALIFIED ELECTRIC UTILITY.—For purposes of this subsection, the term 'qualified electric utility' means a person that, as of the date of the qualifying electric transmission transaction, is vertically integrated, in that it is both—

''(A) a transmitting utility (as defined in section 3(23) of the Federal Power Act (16 U.S.C. 796(23))) with respect to the transmission facilities to which the election under this subsection applies, and

''(B) an electric utility (as defined in section 3(22) of the Federal Power Act (16 U.S.C. 796(22))).''.

(b) EXTENSION OF PERIOD FOR TRANSFER OF OPERATIONAL CONTROL AUTHORIZED BY FERC.—Clause (ii) of section 451(i)(4)(B) is amended by striking ''December 31, 2007'' and inserting ''the date which is 4 years after the close of the taxable year in which the transaction occurs''.

(c) PROPERTY LOCATED OUTSIDE THE UNITED STATES NOT TREATED AS EXEMPT UTILITY PROPERTY.—Paragraph (5) of section 451(i) is amended by adding at the end the following new subparagraph:

''(C) EXCEPTION FOR PROPERTY LOCATED OUTSIDE THE UNITED STATES.—The term 'exempt utility property' shall not include any property which is located outside the United States.''.

(d) EFFECTIVE DATES.—

(1) EXTENSION.—The amendments made by subsection (a) shall apply to transactions after December 31, 2007.

(2) TRANSFERS OF OPERATIONAL CONTROL.—The amendment made by subsection (b) shall take effect as if included in section 909 of the American Jobs Creation Act of 2004.

(3) EXCEPTION FOR PROPERTY LOCATED OUTSIDE THE UNITED STATES.—The amendment made by subsection (c) shall apply to transactions after the date of the enactment of this Act.

SEC. 106. NEW CLEAN RENEWABLE ENERGY BONDS.

(a) IN GENERAL.—Part IV of subchapter A of chapter 1 is amended by adding at the end the following new subpart:

''Subpart I—Qualified Tax Credit Bonds

''Sec. 54A. Credit to holders of qualified tax credit bonds.

''Sec. 54B. New clean renewable energy bonds.

''SEC. 54A. CREDIT TO HOLDERS OF QUALIFIED TAX CREDIT BONDS.

''(a) ALLOWANCE OF CREDIT.—If a taxpayer holds a qualified tax credit bond on one or more credit allowance dates of the bond during any taxable year, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to such dates.

''(b) AMOUNT OF CREDIT.—

''(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any credit allowance date for a qualified tax credit bond is 25 percent of the annual credit determined with respect to such bond.

''(2) ANNUAL CREDIT.—The annual credit determined with respect to any qualified tax credit bond is the product of—

''(A) the applicable credit rate, multiplied by

''(B) the outstanding face amount of the bond.

''(3) APPLICABLE CREDIT RATE.—For purposes of paragraph (2), the applicable credit rate is the rate which the Secretary estimates will permit the issuance of qualified tax credit bonds with a specified maturity or redemption date without discount and without interest cost to the qualified issuer. The applicable credit rate with respect to any qualified tax credit bond shall be determined as of the first day on which there is a binding, written contract for the sale or exchange of the bond.

''(4) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed or matures.

''(c) LIMITATION BASED ON AMOUNT OF TAX.—

''(1) IN GENERAL.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this part (other than subpart C and this subpart).

''(2) CARRYOVER OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year (determined before the application of paragraph (1) for such succeeding taxable year).

''(d) QUALIFIED TAX CREDIT BOND.—For purposes of this section—

''(1) QUALIFIED TAX CREDIT BOND.—The term 'qualified tax credit bond' means a new clean renewable energy bond which is part of an issue that meets the requirements of paragraphs (2), (3), (4), (5), and (6).

''(2) SPECIAL RULES RELATING TO EXPENDITURES.—

''(A) IN GENERAL.—An issue shall be treated as meeting the requirements of this paragraph if, as of the date of issuance, the issuer reasonably expects—

''(i) 100 percent or more of the available project proceeds to be spent for 1 or more qualified purposes within the 3-year period beginning on such date of issuance, and

''(ii) a binding commitment with a third party to spend at least 10 percent of such available project proceeds will be incurred within the 6-month period beginning on such date of issuance.

''(B) FAILURE TO SPEND REQUIRED AMOUNT OF BOND PROCEEDS WITHIN 3 YEARS.—

''(i) IN GENERAL.—To the extent that less than 100 percent of the available project proceeds of the issue are expended by the close

of the expenditure period for 1 or more qualified purposes, the issuer shall redeem all of the nonqualified bonds within 90 days after the end of such period. For purposes of this paragraph, the amount of the nonqualified bonds required to be redeemed shall be determined in the same manner as under section 142.

''(ii) EXPENDITURE PERIOD.—For purposes of this subpart, the term 'expenditure period' means, with respect to any issue, the 3-year period beginning on the date of issuance. Such term shall include any extension of such period under clause (iii).

''(iii) EXTENSION OF PERIOD.—Upon submission of a request prior to the expiration of the expenditure period (determined without regard to any extension under this clause), the Secretary may extend such period if the issuer establishes that the failure to expend the proceeds within the original expenditure period is due to reasonable cause and the expenditures for qualified purposes will continue to proceed with due diligence.

''(C) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means a purpose specified in section 54B(a)(1).

''(D) REIMBURSEMENT.—For purposes of this subtitle, available project proceeds of an issue shall be treated as spent for a qualified purpose if such proceeds are used to reimburse the issuer for amounts paid for a qualified purpose after the date that the Secretary makes an allocation of bond limitation with respect to such issue, but only if—

''(i) prior to the payment of the original expenditure, the issuer declared its intent to reimburse such expenditure with the proceeds of a qualified tax credit bond,

''(ii) not later than 60 days after payment of the original expenditure, the issuer adopts an official intent to reimburse the original expenditure with such proceeds, and

''(iii) the reimbursement is made not later than 18 months after the date the original expenditure is paid.

''(3) REPORTING.—An issue shall be treated as meeting the requirements of this paragraph if the issuer of qualified tax credit bonds submits reports similar to the reports required under section 149(e).

''(4) SPECIAL RULES RELATING TO ARBITRAGE.—

''(A) IN GENERAL.—An issue shall be treated as meeting the requirements of this paragraph if the issuer satisfies the requirements of section 148 with respect to the proceeds of the issue.

''(B) SPECIAL RULE FOR INVESTMENTS DURING EXPENDITURE PERIOD.—An issue shall not be treated as failing to meet the requirements of subparagraph (A) by reason of any investment of available project proceeds during the expenditure period.

''(C) SPECIAL RULE FOR RESERVE FUNDS.—An issue shall not be treated as failing to meet the requirements of subparagraph (A) by reason of any fund which is expected to be used to repay such issue if—

''(i) such fund is funded at a rate not more rapid than equal annual installments,

''(ii) such fund is funded in a manner reasonably expected to result in an amount not greater than an amount necessary to repay the issue, and

''(iii) the yield on such fund is not greater than the discount rate determined under paragraph (5)(B) with respect to the issue.

''(5) MATURITY LIMITATION.—

''(A) IN GENERAL.—An issue shall not be treated as meeting the requirements of this paragraph if the maturity of any bond which is part of such issue exceeds the maximum term determined by the Secretary under subparagraph (B).

''(B) MAXIMUM TERM.—During each calendar month, the Secretary shall determine the maximum term permitted under this paragraph for bonds issued during the following calendar month. Such maximum term shall be the term which the Secretary estimates will result in the present value of the obligation to repay the principal on the bond being equal to 50 percent of the face amount of such bond. Such present value shall be determined using as a discount rate the average annual interest rate of tax-exempt obligations having a term of 10 years or more which are issued during the month. If the term as so determined is not a multiple of a whole year, such term shall be rounded to the next highest whole year.

''(6) PROHIBITION ON FINANCIAL CONFLICTS OF INTEREST.—An issue shall be treated as meeting the requirements of this paragraph if the issuer certifies that—

''(A) applicable State and local law requirements governing conflicts of interest are satisfied with respect to such issue, and

''(B) if the Secretary prescribes additional conflicts of interest rules governing the appropriate Members of Congress, Federal, State, and local officials, and their spouses, such additional rules are satisfied with respect to such issue.

''(e) OTHER DEFINITIONS.—For purposes of this subchapter—

''(1) CREDIT ALLOWANCE DATE.—The term 'credit allowance date' means—

''(A) March 15,

''(B) June 15,

''(C) September 15, and

''(D) December 15.

Such term includes the last day on which the bond is outstanding.

''(2) BOND.—The term 'bond' includes any obligation.

''(3) STATE.—The term 'State' includes the District of Columbia and any possession of the United States.

''(4) AVAILABLE PROJECT PROCEEDS.—The term 'available project proceeds' means—

''(A) the excess of—

''(i) the proceeds from the sale of an issue, over

''(ii) the issuance costs financed by the issue (to the extent that such costs do not exceed 2 percent of such proceeds), and

''(B) the proceeds from any investment of the excess described in subparagraph (A).

''(f) CREDIT TREATED AS INTEREST.—For purposes of this subtitle, the credit determined under subsection (a) shall be treated as interest which is includible in gross income.

''(g) S CORPORATIONS AND PARTNERSHIPS.—In the case of a tax credit bond held by an S corporation or partnership, the allocation of the credit allowed by this section to the shareholders of such corporation or partners of such partnership shall be treated as a distribution.

''(h) BONDS HELD BY REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS.—If any qualified tax credit bond is held by a regulated investment company or a real estate investment trust, the credit determined under subsection (a) shall be allowed to shareholders of such company or beneficiaries of such trust (and any gross income included under subsection (f) with respect to such credit shall be treated as distributed to such shareholders or beneficiaries) under procedures prescribed by the Secretary.

''(i) CREDITS MAY BE STRIPPED.—Under regulations prescribed by the Secretary—

''(1) IN GENERAL.—There may be a separation (including at issuance) of the ownership of a qualified tax credit bond and the entitlement to the credit under this section with respect to such bond. In case of any such separation, the credit under this section shall be allowed to the person who on the credit allowance date holds the instrument evidencing the entitlement to the credit and not to the holder of the bond.

''(2) CERTAIN RULES TO APPLY.—In the case of a separation described in paragraph (1), the rules of section 1286 shall apply to the qualified tax credit bond as if it were a stripped bond and to the credit under this section as if it were a stripped coupon.

''SEC. 54B. NEW CLEAN RENEWABLE ENERGY BONDS.

''(a) NEW CLEAN RENEWABLE ENERGY BOND.—For purposes of this subpart, the term 'new clean renewable energy bond' means any bond issued as part of an issue if—

''(1) 100 percent of the available project proceeds of such issue are to be used for capital expenditures incurred by public power providers or cooperative electric companies for one or more qualified renewable energy facilities,

''(2) the bond is issued by a qualified issuer, and

''(3) the issuer designates such bond for purposes of this section.

''(b) REDUCED CREDIT AMOUNT.—The annual credit determined under section 54A(b) with respect to any new clean renewable energy bond shall be 70 percent of the amount so determined without regard to this subsection.

''(c) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

''(1) IN GENERAL.—The maximum aggregate face amount of bonds which may be designated under subsection (a) by any issuer shall not exceed the limitation amount allocated under this subsection to such issuer.

''(2) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national new clean renewable energy bond limitation of $2,000,000,000 which shall be allocated by the Secretary as provided in paragraph (3), except that—

''(A) not more than 33⅓ percent thereof may be allocated to qualified projects of public power providers,

''(B) not more than 33⅓ percent thereof may be allocated to qualified projects of governmental bodies, and

''(C) not more than 33⅓ percent thereof may be allocated to qualified projects of cooperative electric companies.

''(3) METHOD OF ALLOCATION.—

''(A) ALLOCATION AMONG PUBLIC POWER PROVIDERS.—After the Secretary determines the qualified projects of public power providers which are appropriate for receiving an allocation of the national new clean renewable energy bond limitation, the Secretary shall, to the maximum extent practicable, make allocations among such projects in such manner that the amount allocated to each such project bears the same ratio to the cost of such project as the limitation under paragraph (2)(A) bears to the cost of all such projects.

''(B) ALLOCATION AMONG GOVERNMENTAL BODIES AND COOPERATIVE ELECTRIC COMPANIES.—The Secretary shall make allocations of the amount of the national new clean renewable energy bond limitation described in paragraphs (2)(B) and (2)(C) among qualified projects of governmental bodies and cooperative electric companies, respectively, in such manner as the Secretary determines appropriate.

''(d) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED RENEWABLE ENERGY FACILITY.—The term 'qualified renewable energy facility' means a qualified facility (as determined under section 45(d) without regard to paragraphs (8) and (10) thereof and to any placed in service date) owned by a public power provider, a governmental body, or a cooperative electric company.

''(2) PUBLIC POWER PROVIDER.—The term 'public power provider' means a State utility

with a service obligation, as such terms are defined in section 217 of the Federal Power Act (as in effect on the date of the enactment of this paragraph).

''(3) GOVERNMENTAL BODY.—The term 'governmental body' means any State or Indian tribal government, or any political subdivision thereof.

''(4) COOPERATIVE ELECTRIC COMPANY.—The term 'cooperative electric company' means a mutual or cooperative electric company described in section 501(c)(12) or section 1381(a)(2)(C).

''(5) CLEAN RENEWABLE ENERGY BOND LENDER.—The term 'clean renewable energy bond lender' means a lender which is a cooperative which is owned by, or has outstanding loans to, 100 or more cooperative electric companies and is in existence on February 1, 2002, and shall include any affiliated entity which is controlled by such lender.

''(6) QUALIFIED ISSUER.—The term 'qualified issuer' means a public power provider, a cooperative electric company, a governmental body, a clean renewable energy bond lender, or a not-for-profit electric utility which has received a loan or loan guarantee under the Rural Electrification Act.''.

(b) REPORTING.—Subsection (d) of section 6049 is amended by adding at the end the following new paragraph:

''(9) REPORTING OF CREDIT ON QUALIFIED TAX CREDIT BONDS.—

''(A) IN GENERAL.—For purposes of subsection (a), the term 'interest' includes amounts includible in gross income under section 54A and such amounts shall be treated as paid on the credit allowance date (as defined in section 54A(e)(1)).

''(B) REPORTING TO CORPORATIONS, ETC.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A) of this paragraph, subsection (b)(4) of this section shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i).

''(C) REGULATORY AUTHORITY.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting.''.

(c) CONFORMING AMENDMENTS.—

(1) Sections 54(c)(2) and 1400N(l)(3)(B) are each amended by striking ''subpart C'' and inserting ''subparts C and I''.

(2) Section 1397E(c)(2) is amended by striking ''subpart H'' and inserting ''subparts H and I''.

(3) Section 6401(b)(1) is amended by striking ''and H'' and inserting ''H, and I''.

(4) The heading of subpart H of part IV of subchapter A of chapter 1 is amended by striking ''**Certain Bonds**'' and inserting ''**Clean Renewable Energy Bonds**''.

(5) The table of subparts for part IV of subchapter A of chapter 1 is amended by striking the item relating to subpart H and inserting the following new items:

''SUBPART H. NONREFUNDABLE CREDIT TO HOLDERS OF CLEAN RENEWABLE ENERGY BONDS.

''SUBPART I. QUALIFIED TAX CREDIT BONDS.''.

(d) APPLICATION OF CERTAIN LABOR STANDARDS ON PROJECTS FINANCED UNDER TAX CREDIT BONDS.—Subchapter IV of chapter 31 of title 40, United States Code, shall apply to projects financed with the proceeds of any tax credit bond (as defined in section 54A of the Internal Revenue Code of 1986).

(e) EFFECTIVE DATES.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

PART II—CARBON MITIGATION PROVISIONS

SEC. 111. EXPANSION AND MODIFICATION OF ADVANCED COAL PROJECT INVESTMENT CREDIT.

(a) MODIFICATION OF CREDIT AMOUNT.—Section 48A(a) is amended by striking ''and'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting '', and'', and by adding at the end the following new paragraph:

''(3) 30 percent of the qualified investment for such taxable year in the case of projects described in clause (iii) of subsection (d)(3)(B).''.

(b) EXPANSION OF AGGREGATE CREDITS.—Section 48A(d)(3)(A) is amended by striking ''$1,300,000,000'' and inserting ''$2,550,000,000''.

(c) AUTHORIZATION OF ADDITIONAL PROJECTS.—

(1) IN GENERAL.—Subparagraph (B) of section 48A(d)(3) is amended to read as follows:

''(B) PARTICULAR PROJECTS.—Of the dollar amount in subparagraph (A), the Secretary is authorized to certify—

''(i) $800,000,000 for integrated gasification combined cycle projects the application for which is submitted during the period described in paragraph (2)(A)(i),

''(ii) $500,000,000 for projects which use other advanced coal-based generation technologies the application for which is submitted during the period described in paragraph (2)(A)(i), and

''(iii) $1,250,000,000 for advanced coal-based generation technology projects the application for which is submitted during the period described in paragraph (2)(A)(ii).''.

(2) APPLICATION PERIOD FOR ADDITIONAL PROJECTS.—Subparagraph (A) of section 48A(d)(2) is amended to read as follows:

''(A) APPLICATION PERIOD.—Each applicant for certification under this paragraph shall submit an application meeting the requirements of subparagraph (B). An applicant may only submit an application—

''(i) for an allocation from the dollar amount specified in clause (i) or (ii) of paragraph (3)(B) during the 3-year period beginning on the date the Secretary establishes the program under paragraph (1), and

''(ii) for an allocation from the dollar amount specified in paragraph (3)(B)(iii) during the 3-year period beginning at the earlier of the termination of the period described in clause (i) or the date prescribed by the Secretary.''.

(3) CAPTURE AND SEQUESTRATION OF CARBON DIOXIDE EMISSIONS REQUIREMENT.—

(A) IN GENERAL.—Section 48A(e)(1) is amended by striking ''and'' at the end of subparagraph (E), by striking the period at the end of subparagraph (F) and inserting ''; and'', and by adding at the end the following new subparagraph:

''(G) in the case of any project the application for which is submitted during the period described in subsection (d)(2)(A)(ii), the project includes equipment which separates and sequesters at least 65 percent (70 percent in the case of an application for reallocated credits under subsection (d)(4)) of such project's total carbon dioxide emissions.''.

(B) HIGHEST PRIORITY FOR PROJECTS WHICH SEQUESTER CARBON DIOXIDE EMISSIONS.—Section 48A(e)(3) is amended by striking ''and'' at the end of subparagraph (A)(iii), by striking the period at the end of subparagraph (B)(iii) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) give highest priority to projects with the greatest separation and sequestration percentage of total carbon dioxide emissions.''.

(C) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—Section 48A is amended by adding at the end the following new subsection:

''(h) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—The Secretary shall provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any project which fails to attain or maintain the separation and sequestration requirements of subsection (e)(1)(G).''.

(4) ADDITIONAL PRIORITY FOR RESEARCH PARTNERSHIPS.—Section 48A(e)(3)(B), as amended by paragraph (3)(B), is amended—

(A) by striking ''and'' at the end of clause (ii),

(B) by redesignating clause (iii) as clause (iv), and

(C) by inserting after clause (ii) the following new clause:

''(iii) applicant participants who have a research partnership with an eligible educational institution (as defined in section 529(e)(5)), and''.

(5) CLERICAL AMENDMENT.—Section 48A(e)(3) is amended by striking ''INTEGRATED GASIFICATION COMBINED CYCLE'' in the heading and inserting ''CERTAIN''.

(d) COMPETITIVE CERTIFICATION AWARDS MODIFICATION AUTHORITY.—Section 48A, as amended by subsection (c)(3), is amended by adding at the end the following new subsection:

''(i) COMPETITIVE CERTIFICATION AWARDS MODIFICATION AUTHORITY.—In implementing this section or section 48B, the Secretary is directed to modify the terms of any competitive certification award and any associated closing agreement where such modification—

''(1) is consistent with the objectives of such section,

''(2) is requested by the recipient of the competitive certification award, and

''(3) involves moving the project site to improve the potential to capture and sequester carbon dioxide emissions, reduce costs of transporting feedstock, and serve a broader customer base,

unless the Secretary determines that the dollar amount of tax credits available to the taxpayer under such section would increase as a result of the modification or such modification would result in such project not being originally certified. In considering any such modification, the Secretary shall consult with other relevant Federal agencies, including the Department of Energy.''.

(e) DISCLOSURE OF ALLOCATIONS.—Section 48A(d) is amended by adding at the end the following new paragraph:

''(5) DISCLOSURE OF ALLOCATIONS.—The Secretary shall, upon making a certification under this subsection or section 48B(d), publicly disclose the identity of the applicant and the amount of the credit certified with respect to such applicant.''.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to credits the application for which is submitted during the period described in section 48A(d)(2)(A)(ii) of the Internal Revenue Code of 1986 and which are allocated or reallocated after the date of the enactment of this Act.

(2) COMPETITIVE CERTIFICATION AWARDS MODIFICATION AUTHORITY.—The amendment made by subsection (d) shall take effect on the date of the enactment of this Act and is applicable to all competitive certification awards entered into under section 48A or 48B of the Internal Revenue Code of 1986, whether such awards were issued before, on, or after such date of enactment.

(3) DISCLOSURE OF ALLOCATIONS.—The amendment made by subsection (e) shall apply to certifications made after the date of the enactment of this Act.

(4) CLERICAL AMENDMENT.—The amendment made by subsection (c)(5) shall take effect as

if included in the amendment made by section 1307(b) of the Energy Tax Incentives Act of 2005.

SEC. 112. EXPANSION AND MODIFICATION OF COAL GASIFICATION INVESTMENT CREDIT.

(a) MODIFICATION OF CREDIT AMOUNT.—Section 48B(a) is amended by inserting ''(30 percent in the case of credits allocated under subsection (d)(1)(B))'' after ''20 percent''.

(b) EXPANSION OF AGGREGATE CREDITS.—Section 48B(d)(1) is amended by striking ''shall not exceed $350,000,000'' and all that follows and inserting ''shall not exceed—

''(A) $350,000,000, plus

''(B) $250,000,000 for qualifying gasification projects that include equipment which separates and sequesters at least 75 percent of such project's total carbon dioxide emissions.''.

(c) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—Section 48B is amended by adding at the end the following new subsection:

''(f) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—The Secretary shall provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any project which fails to attain or maintain the separation and sequestration requirements for such project under subsection (d)(1).''.

(d) SELECTION PRIORITIES.—Section 48B(d) is amended by adding at the end the following new paragraph:

''(4) SELECTION PRIORITIES.—In determining which qualifying gasification projects to certify under this section, the Secretary shall—

''(A) give highest priority to projects with the greatest separation and sequestration percentage of total carbon dioxide emissions, and

''(B) give high priority to applicant participants who have a research partnership with an eligible educational institution (as defined in section 529(e)(5)).''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to credits described in section 48B(d)(1)(B) of the Internal Revenue Code of 1986 which are allocated or reallocated after the date of the enactment of this Act.

SEC. 113. TEMPORARY INCREASE IN COAL EXCISE TAX.

Paragraph (2) of section 4121(e) is amended—

(1) by striking ''January 1, 2014'' in subparagraph (A) and inserting ''December 31, 2018'', and

(2) by striking ''January 1 after 1981'' in subparagraph (B) and inserting ''December 31 after 2007''.

SEC. 114. SPECIAL RULES FOR REFUND OF THE COAL EXCISE TAX TO CERTAIN COAL PRODUCERS AND EXPORTERS.

(a) REFUND.—

(1) COAL PRODUCERS.—

(A) IN GENERAL.—Notwithstanding subsections (a)(1) and (c) of section 6416 and section 6511 of the Internal Revenue Code of 1986, if—

(i) a coal producer establishes that such coal producer, or a party related to such coal producer, exported coal produced by such coal producer to a foreign country or shipped coal produced by such coal producer to a possession of the United States, or caused such coal to be exported or shipped, the export or shipment of which was other than through an exporter who meets the requirements of paragraph (2),

(ii) such coal producer filed an excise tax return on or after October 1, 1990, and on or before the date of the enactment of this Act, and

(iii) such coal producer files a claim for refund with the Secretary not later than the close of the 30-day period beginning on the date of the enactment of this Act,

then the Secretary shall pay to such coal producer an amount equal to the tax paid under section 4121 of such Code on such coal exported or shipped by the coal producer or a party related to such coal producer, or caused by the coal producer or a party related to such coal producer to be exported or shipped.

(B) SPECIAL RULES FOR CERTAIN TAXPAYERS.—For purposes of this section—

(i) IN GENERAL.—If a coal producer or a party related to a coal producer has received a judgment described in clause (iii), such coal producer shall be deemed to have established the export of coal to a foreign country or shipment of coal to a possession of the United States under subparagraph (A)(i).

(ii) AMOUNT OF PAYMENT.—If a taxpayer described in clause (i) is entitled to a payment under subparagraph (A), the amount of such payment shall be reduced by any amount paid pursuant to the judgment described in clause (iii).

(iii) JUDGMENT DESCRIBED.—A judgment is described in this subparagraph if such judgment—

(I) is made by a court of competent jurisdiction within the United States,

(II) relates to the constitutionality of any tax paid on exported coal under section 4121 of the Internal Revenue Code of 1986, and

(III) is in favor of the coal producer or the party related to the coal producer.

(2) EXPORTERS.—Notwithstanding subsections (a)(1) and (c) of section 6416 and section 6511 of the Internal Revenue Code of 1986, and a judgment described in paragraph (1)(B)(iii) of this subsection, if—

(A) an exporter establishes that such exporter exported coal to a foreign country or shipped coal to a possession of the United States, or caused such coal to be so exported or shipped,

(B) such exporter filed a tax return on or after October 1, 1990, and on or before the date of the enactment of this Act, and

(C) such exporter files a claim for refund with the Secretary not later than the close of the 30-day period beginning on the date of the enactment of this Act,

then the Secretary shall pay to such exporter an amount equal to $0.825 per ton of such coal exported by the exporter or caused to be exported or shipped, or caused to be exported or shipped, by the exporter.

(b) LIMITATIONS.—Subsection (a) shall not apply with respect to exported coal if a settlement with the Federal Government has been made with and accepted by, the coal producer, a party related to such coal producer, or the exporter, of such coal, as of the date that the claim is filed under this section with respect to such exported coal. For purposes of this subsection, the term ''settlement with the Federal Government'' shall not include any settlement or stipulation entered into as of the date of the enactment of this Act, the terms of which contemplate a judgment concerning which any party has reserved the right to file an appeal, or has filed an appeal.

(c) SUBSEQUENT REFUND PROHIBITED.—No refund shall be made under this section to the extent that a credit or refund of such tax on such exported or shipped coal has been paid to any person.

(d) DEFINITIONS.—For purposes of this section—

(1) COAL PRODUCER.—The term ''coal producer'' means the person in whom is vested ownership of the coal immediately after the coal is severed from the ground, without regard to the existence of any contractual arrangement for the sale or other disposition of the coal or the payment of any royalties between the producer and third parties. The term includes any person who extracts coal from coal waste refuse piles or from the silt waste product which results from the wet washing (or similar processing) of coal.

(2) EXPORTER.—The term ''exporter'' means a person, other than a coal producer, who does not have a contract, fee arrangement, or any other agreement with a producer or seller of such coal to export or ship such coal to a third party on behalf of the producer or seller of such coal and—

(A) is indicated in the shipper's export declaration or other documentation as the exporter of record, or

(B) actually exported such coal to a foreign country or shipped such coal to a possession of the United States, or caused such coal to be so exported or shipped.

(3) RELATED PARTY.—The term ''a party related to such coal producer'' means a person who—

(A) is related to such coal producer through any degree of common management, stock ownership, or voting control,

(B) is related (within the meaning of section 144(a)(3) of the Internal Revenue Code of 1986) to such coal producer, or

(C) has a contract, fee arrangement, or any other agreement with such coal producer to sell such coal to a third party on behalf of such coal producer.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Treasury or the Secretary's designee.

(e) TIMING OF REFUND.—With respect to any claim for refund filed pursuant to this section, the Secretary shall determine whether the requirements of this section are met not later than 180 days after such claim is filed. If the Secretary determines that the requirements of this section are met, the claim for refund shall be paid not later than 180 days after the Secretary makes such determination.

(f) INTEREST.—Any refund paid pursuant to this section shall be paid by the Secretary with interest from the date of overpayment determined by using the overpayment rate and method under section 6621 of the Internal Revenue Code of 1986.

(g) DENIAL OF DOUBLE BENEFIT.—The payment under subsection (a) with respect to any coal shall not exceed—

(1) in the case of a payment to a coal producer, the amount of tax paid under section 4121 of the Internal Revenue Code of 1986 with respect to such coal by such coal producer or a party related to such coal producer, and

(2) in the case of a payment to an exporter, an amount equal to $0.825 per ton with respect to such coal exported by the exporter or caused to be exported by the exporter.

(h) APPLICATION OF SECTION.—This section applies only to claims on coal exported or shipped on or after October 1, 1990, through the date of the enactment of this Act.

(i) STANDING NOT CONFERRED.—

(1) EXPORTERS.—With respect to exporters, this section shall not confer standing upon an exporter to commence, or intervene in, any judicial or administrative proceeding concerning a claim for refund by a coal producer of any Federal or State tax, fee, or royalty paid by the coal producer.

(2) COAL PRODUCERS.—With respect to coal producers, this section shall not confer standing upon a coal producer to commence, or intervene in, any judicial or administrative proceeding concerning a claim for refund by an exporter of any Federal or State tax, fee, or royalty paid by the producer and alleged to have been passed on to an exporter.

SEC. 115. CARBON AUDIT OF THE TAX CODE.

(a) STUDY.—The Secretary of the Treasury shall enter into an agreement with the National Academy of Sciences to undertake a comprehensive review of the Internal Revenue Code of 1986 to identify the types of and specific tax provisions that have the largest

effects on carbon and other greenhouse gas emissions and to estimate the magnitude of those effects.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the National Academy of Sciences shall submit to Congress a report containing the results of study authorized under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,500,000 for the period of fiscal years 2008 and 2009.

Subtitle B—Transportation and Domestic Fuel Security Provisions

SEC. 121. CREDIT FOR PRODUCTION OF CELLULOSIC BIOFUEL.

(a) IN GENERAL.—Subsection (a) of section 40 is amended by striking ''plus'' at the end of paragraph (1), by striking ''plus'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting '', plus'', and by adding at the end the following new paragraph:

''(4) the cellulosic biofuel producer credit.''.

(b) CELLULOSIC BIOFUEL PRODUCER CREDIT.—

(1) IN GENERAL.—Subsection (b) of section 40 is amended by adding at the end the following new paragraph:

''(6) CELLULOSIC BIOFUEL PRODUCER CREDIT.—

''(A) IN GENERAL.—The cellulosic biofuel producer credit of any taxpayer is an amount equal to the applicable amount for each gallon of qualified cellulosic biofuel production.

''(B) APPLICABLE AMOUNT.—For purposes of subparagraph (A), the applicable amount means $1.01, except that such amount shall, in the case of cellulosic biofuel which is alcohol, be reduced by the sum of—

''(i) the amount of the credit in effect for such alcohol under subsection (b)(1) (without regard to subsection (b)(3)) at the time of the qualified cellulosic biofuel production, plus

''(ii) in the case of ethanol, the amount of the credit in effect under subsection (b)(4) at the time of such production.

''(C) QUALIFIED CELLULOSIC BIOFUEL PRODUCTION.—For purposes of this section, the term 'qualified cellulosic biofuel production' means any cellulosic biofuel which is produced by the taxpayer, and which during the taxable year—

''(i) is sold by the taxpayer to another person—

''(I) for use by such other person in the production of a qualified cellulosic biofuel mixture in such other person's trade or business (other than casual off-farm production),

''(II) for use by such other person as a fuel in a trade or business, or

''(III) who sells such cellulosic biofuel at retail to another person and places such cellulosic biofuel in the fuel tank of such other person, or

''(ii) is used or sold by the taxpayer for any purpose described in clause (i).

The qualified cellulosic biofuel production of any taxpayer for any taxable year shall not include any alcohol which is purchased by the taxpayer and with respect to which such producer increases the proof of the alcohol by additional distillation.

''(D) QUALIFIED CELLULOSIC BIOFUEL MIXTURE.—For purposes of this paragraph, the term 'qualified cellulosic biofuel mixture' means a mixture of cellulosic biofuel and gasoline or of cellulosic biofuel and a special fuel which—

''(i) is sold by the person producing such mixture to any person for use as a fuel, or

''(ii) is used as a fuel by the person producing such mixture.

''(E) CELLULOSIC BIOFUEL.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'cellulosic biofuel' means any liquid fuel which—

''(I) is produced from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis, and

''(II) meets the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act (42 U.S.C. 7545).

''(ii) EXCLUSION OF LOW-PROOF ALCOHOL.—Such term shall not include any alcohol with a proof of less than 150. The determination of the proof of any alcohol shall be made without regard to any added denaturants.

''(F) ALLOCATION OF CELLULOSIC BIOFUEL PRODUCER CREDIT TO PATRONS OF COOPERATIVE.—Rules similar to the rules under subsection (g)(6) shall apply for purposes of this paragraph.

''(G) REGISTRATION REQUIREMENT.—No credit shall be determined under this paragraph with respect to any taxpayer unless such taxpayer is registered with the Secretary as a producer of cellulosic biofuel under section 4101.

''(H) APPLICATION OF PARAGRAPH.—This paragraph shall apply with respect to qualified cellulosic biofuel production after December 31, 2008, and before January 1, 2016.''.

(2) TERMINATION DATE NOT TO APPLY.—Subsection (e) of section 40 is amended—

(A) by inserting ''or subsection (b)(6)(H)'' after ''by reason of paragraph (1)'' in paragraph (2), and

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

''(3) EXCEPTION FOR CELLULOSIC BIOFUEL PRODUCER CREDIT.—Paragraph (1) shall not apply to the portion of the credit allowed under this section by reason of subsection (a)(4).''.

(3) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 4101(a) is amended—

(i) by striking ''and every person'' and inserting '', every person'', and

(ii) by inserting '', and every person producing cellulosic biofuel (as defined in section 40(b)(6)(E))'' after ''section 6426(b)(4)(A))''.

(B) The heading of section 40, and the item relating to such section in the table of sections for subpart D of part IV of subchapter A of chapter 1, are each amended by inserting '', etc.,'' after ''Alcohol''.

(c) BIOFUEL NOT USED AS A FUEL, ETC.—

(1) IN GENERAL.—Paragraph (3) of section 40(d) is amended by redesignating subparagraph (D) as subparagraph (E) and by inserting after subparagraph (C) the following new subparagraph:

''(D) CELLULOSIC BIOFUEL PRODUCER CREDIT.—If—

''(i) any credit is allowed under subsection (a)(4), and

''(ii) any person does not use such fuel for a purpose described in subsection (b)(6)(C),

then there is hereby imposed on such person a tax equal to the applicable amount (as defined in subsection (b)(6)(B)) for each gallon of such cellulosic biofuel.''.

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (C) of section 40(d)(3) is amended by striking ''PRODUCER'' in the heading and inserting ''SMALL ETHANOL PRODUCER''.

(B) Subparagraph (E) of section 40(d)(3), as redesignated by paragraph (1), is amended by striking ''or (C)'' and inserting ''(C), or (D)''.

(d) BIOFUEL PRODUCED IN THE UNITED STATES.—Section 40(d) is amended by adding at the end the following new paragraph:

''(6) SPECIAL RULE FOR CELLULOSIC BIOFUEL PRODUCER CREDIT.—No cellulosic biofuel producer credit shall be determined under subsection (a) with respect to any cellulosic biofuel unless such cellulosic biofuel is produced in the United States and used as a fuel in the United States. For purposes of this subsection, the term 'United States' includes any possession of the United States.''.

(e) WAIVER OF CREDIT LIMIT FOR CELLULOSIC BIOFUEL PRODUCTION BY SMALL ETHANOL PRODUCERS.—Section 40(b)(4)(C) is amended by inserting ''(determined without regard to any qualified cellulosic biofuel production)'' after ''15,000,000 gallons''.

(f) DENIAL OF DOUBLE BENEFIT.—

(1) BIODIESEL.—Paragraph (1) of section 40A(d) is amended by adding at the end the following new flush sentence:

''Such term shall not include any liquid with respect to which a credit may be determined under section 40.''.

(2) RENEWABLE DIESEL.—Paragraph (3) of section 40A(f) is amended by adding at the end the following new flush sentence:

''Such term shall not include any liquid with respect to which a credit may be determined under section 40.''.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel produced after December 31, 2008.

SEC. 122. INCLUSION OF CELLULOSIC BIOFUEL IN BONUS DEPRECIATION FOR BIOMASS ETHANOL PLANT PROPERTY.

(a) IN GENERAL.—Paragraph (3) of section 168(l) is amended to read as follows:

''(3) CELLULOSIC BIOFUEL.—The term 'cellulosic biofuel' means any liquid fuel which is produced from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis.''.

(b) CONFORMING AMENDMENTS.—Subsection (l) of section 168 is amended—

(1) by striking ''cellulosic biomass ethanol'' each place it appears and inserting ''cellulosic biofuel'',

(2) by striking ''CELLULOSIC BIOMASS ETHANOL'' in the heading of such subsection and inserting ''CELLULOSIC BIOFUEL'', and

(3) by striking ''CELLULOSIC BIOMASS ETHANOL'' in the heading of paragraph (2) thereof and inserting ''CELLULOSIC BIOFUEL''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 123. CREDITS FOR BIODIESEL AND RENEWABLE DIESEL.

(a) IN GENERAL.—Sections 40A(g), 6426(c)(6), and 6427(e)(5)(B) are each amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) INCREASE IN RATE OF CREDIT.—

(1) INCOME TAX CREDIT.—Paragraphs (1)(A) and (2)(A) of section 40A(b) are each amended by striking ''50 cents'' and inserting ''$1.00''.

(2) EXCISE TAX CREDIT.—Paragraph (2) of section 6426(c) is amended to read as follows:

''(2) APPLICABLE AMOUNT.—For purposes of this subsection, the applicable amount is $1.00.''.

(3) CONFORMING AMENDMENTS.—

(A) Subsection (b) of section 40A is amended by striking paragraph (3) and by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(B) Paragraph (2) of section 40A(f) is amended to read as follows:

''(2) EXCEPTION.—Subsection (b)(4) shall not apply with respect to renewable diesel.''.

(C) Paragraphs (2) and (3) of section 40A(e) are each amended by striking ''subsection (b)(5)(C)'' and inserting ''subsection (b)(4)(C)''.

(D) Clause (ii) of section 40A(d)(3)(C) is amended by striking ''subsection (b)(5)(B)'' and inserting ''subsection (b)(4)(B)''.

(c) UNIFORM TREATMENT OF DIESEL PRODUCED FROM BIOMASS.—Paragraph (3) of section 40A(f) is amended—

(1) by striking ''diesel fuel'' and inserting ''liquid fuel'',

(2) by striking ''using a thermal depolymerization process'', and

(3) by striking ''or D396'' in subparagraph (B) and inserting '', D396, or other equivalent standard approved by the Secretary''.

(d) COPRODUCTION OF RENEWABLE DIESEL WITH PETROLEUM FEEDSTOCK.—

(1) IN GENERAL.—Paragraph (3) of section 40A(f) (defining renewable diesel) is amended by adding at the end the following flush sentence:

''Such term does not include any fuel derived from coprocessing biomass with a feedstock which is not biomass. For purposes of this paragraph, the term 'biomass' has the meaning given such term by section 45K(c)(3).''.

(2) CONFORMING AMENDMENT.—Paragraph (3) of section 40A(f) is amended by striking ''(as defined in section 45K(c)(3))''.

(e) ELIGIBILITY OF CERTAIN AVIATION FUEL.—Paragraph (3) of section 40A(f) (defining renewable diesel) is amended by adding at the end the following new flush sentence:

''The term 'renewable diesel' also means fuel derived from biomass which meets the requirements of a Department of Defense specification for military jet fuel or an American Society of Testing and Materials specification for aviation turbine fuel.''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to fuel produced, and sold or used, after December 31, 2008.

(2) COPRODUCTION OF RENEWABLE DIESEL WITH PETROLEUM FEEDSTOCK.—The amendments made by subsection (c) shall apply to fuel produced, and sold or used, after February 13, 2008.

SEC. 124. MODIFICATION OF ALCOHOL CREDIT.

(a) INCOME TAX CREDIT.—

(1) IN GENERAL.—The table in paragraph (2) of section 40(h) is amended—

(A) by striking ''through 2010'' in the first column and inserting '', 2006, 2007, or 2008'',

(B) by striking the period at the end of the third row, and

(C) by adding at the end the following new row:

''2009 through 2010.	45 cents	33.33 cents.''.

(2) EXCEPTION.—Section 40(h) is amended by adding at the end the following new paragraph:

''(3) REDUCTION DELAYED UNTIL ANNUAL PRODUCTION OR IMPORTATION OF 7,500,000,000 GALLONS.—

''(A) IN GENERAL.—In the case of any calendar year beginning after 2008, if the Secretary makes a determination described in subparagraph (B) with respect to all preceding calendar years beginning after 2007, the last row in the table in paragraph (2) shall be applied by substituting '51 cents' for '45 cents'.

''(B) DETERMINATION.—A determination described in this subparagraph with respect to any calendar year is a determination, in consultation with the Administrator of the Environmental Protection Agency, that an amount less than 7,500,000,000 gallons of ethanol (including cellulosic ethanol) has been produced in or imported into the United States in such year.''.

(b) EXCISE TAX CREDIT.—

(1) IN GENERAL.—Subparagraph (A) of section 6426(b)(2) (relating to alcohol fuel mixture credit) is amended by striking ''the applicable amount is 51 cents'' and inserting ''the applicable amount is—

''(i) in the case of calendar years beginning before 2009, 51 cents, and

''(ii) in the case of calendar years beginning after 2008, 45 cents.''.

(2) EXCEPTION.—Paragraph (2) of section 6426(b) is amended by adding at the end the following new subparagraph:

''(C) REDUCTION DELAYED UNTIL ANNUAL PRODUCTION OR IMPORTATION OF 7,500,000,000 GALLONS.—In the case of any calendar year beginning after 2008, if the Secretary makes a determination described in section 40(h)(3)(B) with respect to all preceding calendar years beginning after 2007, subparagraph (A)(ii) shall be applied by substituting '51 cents' for '45 cents'.''

(3) CONFORMING AMENDMENT.—Subparagraph (A) of section 6426(b)(2) is amended by striking ''subparagraph (B)'' and inserting ''subparagraphs (B) and (C)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 125. CALCULATION OF VOLUME OF ALCOHOL FOR FUEL CREDITS.

(a) IN GENERAL.—Paragraph (4) of section 40(d) is amended by striking ''5 percent'' and inserting ''2 percent''.

(b) CONFORMING AMENDMENT FOR EXCISE TAX CREDIT.—Section 6426(b) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) VOLUME OF ALCOHOL.—For purposes of determining under subsection (a) the number of gallons of alcohol with respect to which a credit is allowable under subsection (a), the volume of alcohol shall include the volume of any denaturant (including gasoline) which is added under any formulas approved by the Secretary to the extent that such denaturants do not exceed 2 percent of the volume of such alcohol (including denaturants).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2008.

SEC. 126. CLARIFICATION THAT CREDITS FOR FUEL ARE DESIGNED TO PROVIDE AN INCENTIVE FOR UNITED STATES PRODUCTION.

(a) ALCOHOL FUELS CREDIT.—Subsection (d) of section 40 is amended by adding at the end the following new paragraph:

''(6) LIMITATION TO ALCOHOL WITH CONNECTION TO THE UNITED STATES.—No credit shall be determined under this section with respect to any alcohol which is produced outside the United States for use as a fuel outside the United States. For purposes of this paragraph, the term 'United States' includes any possession of the United States.''.

(b) BIODIESEL FUELS CREDIT.—Subsection (d) of section 40A is amended by adding at the end the following new paragraph:

''(5) LIMITATION TO BIODIESEL WITH CONNECTION TO THE UNITED STATES.—No credit shall be determined under this section with respect to any biodiesel which is produced outside the United States for use as a fuel outside the United States. For purposes of this paragraph, the term 'United States' includes any possession of the United States.''.

(c) EXCISE TAX CREDIT.—

(1) IN GENERAL.—Section 6426 is amended by adding at the end the following new subsection:

''(i) LIMITATION TO FUELS WITH CONNECTION TO THE UNITED STATES.—

''(1) ALCOHOL.—No credit shall be determined under this section with respect to any alcohol which is produced outside the United States for use as a fuel outside the United States.

''(2) BIODIESEL AND ALTERNATIVE FUELS.—No credit shall be determined under this section with respect to any biodiesel or alternative fuel which is produced outside the United States for use as a fuel outside the United States.

For purposes of this subsection, the term 'United States' includes any possession of the United States.''.

(2) CONFORMING AMENDMENT.—Subsection (e) of section 6427 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) LIMITATION TO FUELS WITH CONNECTION TO THE UNITED STATES.—No amount shall be payable under paragraph (1) or (2) with respect to any mixture or alternative fuel if credit is not allowed with respect to such mixture or alternative fuel by reason of section 6426(i).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to claims for credit or payment made on or after May 15, 2008.

SEC. 127. CREDIT FOR NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

''SEC. 30D. NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

''(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credit amounts determined under subsection (b) with respect to each new qualified plug-in electric drive motor vehicle placed in service by the taxpayer during the taxable year.

''(b) PER VEHICLE DOLLAR LIMITATION.—

''(1) IN GENERAL.—The amount determined under this subsection with respect to any new qualified plug-in electric drive motor vehicle is the sum of the amounts determined under paragraphs (2) and (3) with respect to such vehicle.

''(2) BASE AMOUNT.—The amount determined under this paragraph is $3,000.

''(3) BATTERY CAPACITY.—In the case of a vehicle which draws propulsion energy from a battery with not less than 5 kilowatt hours of capacity, the amount determined under this paragraph is $200, plus $200 for each kilowatt hour of capacity in excess of 5 kilowatt hours. The amount determined under this paragraph shall not exceed $2,000.

''(c) APPLICATION WITH OTHER CREDITS.—

''(1) BUSINESS CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—So much of the credit which would be allowed under subsection (a) for any taxable year (determined without regard to this subsection) that is attributable to property of a character subject to an allowance for depreciation shall be treated as a credit listed in section 38(b) for such taxable year (and not allowed under subsection (a)).

''(2) PERSONAL CREDIT.—

''(A) IN GENERAL.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.

''(B) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall not exceed the excess of—

''(i) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(ii) the sum of the credits allowable under subpart A (other than this section and sections 23 and 25D) and section 27 for the taxable year.

''(d) NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE.—For purposes of this section—

''(1) IN GENERAL.—The term 'new qualified plug-in electric drive motor vehicle' means a motor vehicle (as defined in section 30(c)(2))—

''(A) the original use of which commences with the taxpayer,

''(B) which is acquired for use or lease by the taxpayer and not for resale,

''(C) which is made by a manufacturer,

''(D) which has a gross vehicle weight rating of less than 14,000 pounds,

''(E) which has received a certificate of conformity under the Clean Air Act and meets or exceeds the Bin 5 Tier II emission standard established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle, and

''(F) which is propelled to a significant extent by an electric motor which draws electricity from a battery which—

''(i) has a capacity of not less than 4 kilowatt hours, and

''(ii) is capable of being recharged from an external source of electricity.

''(2) EXCEPTION.—The term 'new qualified plug-in electric drive motor vehicle' shall not include any vehicle which is not a passenger automobile or light truck if such vehicle has a gross vehicle weight rating of less than 8,500 pounds.

''(3) OTHER TERMS.—The terms 'passenger automobile', 'light truck', and 'manufacturer' have the meanings given such terms in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

''(4) BATTERY CAPACITY.—The term 'capacity' means, with respect to any battery, the quantity of electricity which the battery is capable of storing, expressed in kilowatt hours, as measured from a 100 percent state of charge to a 0 percent state of charge.

''(e) LIMITATION ON NUMBER OF NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES ELIGIBLE FOR CREDIT.—

''(1) IN GENERAL.—In the case of a new qualified plug-in electric drive motor vehicle sold during the phaseout period, only the applicable percentage of the credit otherwise allowable under subsection (a) shall be allowed.

''(2) PHASEOUT PERIOD.—For purposes of this subsection, the phaseout period is the period beginning with the second calendar quarter following the calendar quarter which includes the first date on which the number of new qualified plug-in electric drive motor vehicles manufactured by the manufacturer of the vehicle referred to in paragraph (1) sold for use in the United States after the date of the enactment of this section, is at least 60,000.

''(3) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage is—

''(A) 50 percent for the first 2 calendar quarters of the phaseout period,

''(B) 25 percent for the 3d and 4th calendar quarters of the phaseout period, and

''(C) 0 percent for each calendar quarter thereafter.

''(4) CONTROLLED GROUPS.—Rules similar to the rules of section 30B(f)(4) shall apply for purposes of this subsection.

''(f) SPECIAL RULES.—

''(1) BASIS REDUCTION.—The basis of any property for which a credit is allowable under sub- section (a) shall be reduced by the amount of such credit (determined without regard to subsection (c)).

''(2) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit.

''(3) PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowed under subsection (a) with respect to any property referred to in section 50(b)(1) or with respect to the portion of the cost of any property taken into account under section 179.

''(4) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any vehicle if the taxpayer elects to not have this section apply to such vehicle.

''(5) PROPERTY USED BY TAX-EXEMPT ENTITY; INTERACTION WITH AIR QUALITY AND MOTOR VEHICLE SAFETY STANDARDS.—Rules similar to the rules of paragraphs (6) and (10) of section 30B(h) shall apply for purposes of this section.''.

(b) COORDINATION WITH ALTERNATIVE MOTOR VEHICLE CREDIT.—Section 30B(d)(3) is amended by adding at the end the following new subparagraph:

''(D) EXCLUSION OF PLUG-IN VEHICLES.—Any vehicle with respect to which a credit is allowable under section 30D (determined without regard to subsection (c) thereof) shall not be taken into account under this section.''.

(c) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Section 38(b) is amended—

(1) by striking ''and'' each place it appears at the end of any paragraph,

(2) by striking ''plus'' each place it appears at the end of any paragraph,

(3) by striking the period at the end of paragraph (31) and inserting '', plus'', and

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

''(32) the portion of the new qualified plug-in electric drive motor vehicle credit to which section 30D(c)(1) applies.''.

(d) CONFORMING AMENDMENTS.—

(1)(A) Section 24(b)(3)(B), as amended by section 104, is amended by striking ''and 25D'' and inserting ''25D, and 30D''.

(B) Section 25(e)(1)(C)(ii) is amended by inserting ''30D,'' after ''25D,''.

(C) Section 25B(g)(2), as amended by section 104, is amended by striking ''and 25D'' and inserting '', 25D, and 30D''.

(D) Section 26(a)(1), as amended by section 104, is amended by striking ''and 25D'' and inserting ''25D, and 30D''.

(E) Section 1400C(d)(2) is amended by striking ''and 25D'' and inserting ''25D, and 30D''.

(2) Section 1016(a) is amended by striking ''and'' at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting '', and'', and by adding at the end the following new paragraph:

''(38) to the extent provided in section 30D(f)(1).''.

(3) Section 6501(m) is amended by inserting ''30D(f)(4),'' after ''30C(e)(5),''.

(e) TREATMENT OF ALTERNATIVE MOTOR VEHICLE CREDIT AS A PERSONAL CREDIT.—

(1) IN GENERAL.—Paragraph (2) of section 30B(g) is amended to read as follows:

''(2) PERSONAL CREDIT.—The credit allowed under subsection (a) for any taxable year (after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.''.

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (A) of section 30C(d)(2) is amended by striking ''sections 27, 30, and 30B'' and inserting ''sections 27 and 30''.

(B) Paragraph (3) of section 55(c) is amended by striking ''30B(g)(2),''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 2008.

(2) TREATMENT OF ALTERNATIVE MOTOR VEHICLE CREDIT AS PERSONAL CREDIT.—The amendments made by subsection (e) shall apply to taxable years beginning after December 31, 2007.

(g) APPLICATION OF EGTRRA SUNSET.—The amendment made by subsection (d)(1)(A) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provision of such Act to which such amendment relates.

SEC. 128. EXCLUSION FROM HEAVY TRUCK TAX FOR IDLING REDUCTION UNITS AND ADVANCED INSULATION.

(a) IN GENERAL.—Section 4053 is amended by adding at the end the following new paragraphs:

''(9) IDLING REDUCTION DEVICE.—Any device or system of devices which—

''(A) is designed to provide to a vehicle those services (such as heat, air conditioning, or electricity) that would otherwise require the operation of the main drive engine while the vehicle is temporarily parked or remains stationary using one or more devices affixed to a tractor, and

''(B) is certified by the Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Transportation, to reduce idling of such vehicle at a motor vehicle rest stop or other location where such vehicles are temporarily parked or remain stationary.

''(10) ADVANCED INSULATION.—Any insulation that has an R value of not less than R35 per inch.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales or installations after the date of the enactment of this Act.

SEC. 129. RESTRUCTURING OF NEW YORK LIBERTY ZONE TAX CREDITS.

(a) IN GENERAL.—Part I of subchapter Y of chapter 1 is amended by redesignating section 1400L as section 1400K and by adding at the end the following new section:

''SEC. 1400L. NEW YORK LIBERTY ZONE TAX CREDITS.

''(a) IN GENERAL.—In the case of a New York Liberty Zone governmental unit, there shall be allowed as a credit against any taxes imposed for any payroll period by section 3402 for which such governmental unit is liable under section 3403 an amount equal to so much of the portion of the qualifying project expenditure amount allocated under subsection (b)(3) to such governmental unit for the calendar year as is allocated by such governmental unit to such period under subsection (b)(4).

''(b) QUALIFYING PROJECT EXPENDITURE AMOUNT.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualifying project expenditure amount' means, with respect to any calendar year, the sum of—

''(A) the total expenditures paid or incurred during such calendar year by all New York Liberty Zone governmental units and the Port Authority of New York and New Jersey for any portion of qualifying projects located wholly within the City of New York, New York, and

''(B) any such expenditures—

''(i) paid or incurred in any preceding calendar year which begins after the date of enactment of this section, and

''(ii) not previously allocated under paragraph (3).

''(2) QUALIFYING PROJECT.—The term 'qualifying project' means any transportation infrastructure project, including highways, mass transit systems, railroads, airports, ports, and waterways, in or connecting with the New York Liberty Zone (as defined in section 1400K(h)), which is designated as a qualifying project under this section jointly by the Governor of the State of New York and the Mayor of the City of New York, New York.

''(3) GENERAL ALLOCATION.—

''(A) IN GENERAL.—The Governor of the State of New York and the Mayor of the City of New York, New York, shall jointly allocate to each New York Liberty Zone governmental unit the portion of the qualifying project expenditure amount which may be taken into account by such governmental unit under subsection (a) for any calendar year in the credit period.

''(B) AGGREGATE LIMIT.—The aggregate amount which may be allocated under subparagraph (A) for all calendar years in the credit period shall not exceed $2,000,000,000.

''(C) ANNUAL LIMIT.—The aggregate amount which may be allocated under subparagraph (A) for any calendar year in the credit period shall not exceed the sum of—

''(i) $115,000,000 ($425,000,000 in the case of the last 2 years in the credit period), plus

''(ii) the aggregate amount authorized to be allocated under this paragraph for all preceding calendar years in the credit period which was not so allocated.

''(D) UNALLOCATED AMOUNTS AT END OF CREDIT PERIOD.—If, as of the close of the credit period, the amount under subparagraph (B) exceeds the aggregate amount allocated under subparagraph (A) for all calendar years in the credit period, the Governor of the State of New York and the Mayor of the City of New York, New York, may jointly allocate to New York Liberty Zone governmental units for any calendar year in the 5-year period following the credit period an amount equal to—

''(i) the lesser of—

''(I) such excess, or

''(II) the qualifying project expenditure amount for such calendar year, reduced by

''(ii) the aggregate amount allocated under this subparagraph for all preceding calendar years.

''(4) ALLOCATION TO PAYROLL PERIODS.—Each New York Liberty Zone governmental unit which has been allocated a portion of the qualifying project expenditure amount under paragraph (3) for a calendar year may allocate such portion to payroll periods beginning in such calendar year as such governmental unit determines appropriate.

''(c) CARRYOVER OF UNUSED ALLOCATIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), if the amount allocated under subsection (b)(3) to a New York Liberty Zone governmental unit for any calendar year exceeds the aggregate taxes imposed by section 3402 for which such governmental unit is liable under section 3403 for periods beginning in such year, such excess shall be carried to the succeeding calendar year and added to the allocation of such governmental unit for such succeeding calendar year.

''(2) REALLOCATION.—If a New York Liberty Zone governmental unit does not use an amount allocated to it under subsection (b)(3) within the time prescribed by the Governor of the State of New York and the Mayor of the City of New York, New York, then such amount shall after such time be treated for purposes of subsection (b)(3) in the same manner as if it had never been allocated.

''(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) CREDIT PERIOD.—The term 'credit period' means the 12-year period beginning on January 1, 2009.

''(2) NEW YORK LIBERTY ZONE GOVERNMENTAL UNIT.—The term 'New York Liberty Zone governmental unit' means—

''(A) the State of New York,

''(B) the City of New York, New York, and

''(C) any agency or instrumentality of such State or City.

''(3) TREATMENT OF FUNDS.—Any expenditure for a qualifying project taken into account for purposes of the credit under this section shall be considered State and local funds for the purpose of any Federal program.

''(4) TREATMENT OF CREDIT AMOUNTS FOR PURPOSES OF WITHHOLDING TAXES.—For purposes of this title, a New York Liberty Zone governmental unit shall be treated as having paid to the Secretary, on the day on which wages are paid to employees, an amount equal to the amount of the credit allowed to such entity under subsection (a) with respect to such wages, but only if such governmental unit deducts and withholds wages for such payroll period under section 3401 (relating to wage withholding).

''(e) REPORTING.—The Governor of the State of New York and the Mayor of the City of New York, New York, shall jointly submit to the Secretary an annual report—

''(1) which certifies—

''(A) the qualifying project expenditure amount for the calendar year, and

''(B) the amount allocated to each New York Liberty Zone governmental unit under subsection (b)(3) for the calendar year, and

''(2) includes such other information as the Secretary may require to carry out this section.

''(f) GUIDANCE.—The Secretary may prescribe such guidance as may be necessary or appropriate to ensure compliance with the purposes of this section.''.

(b) TERMINATION OF SPECIAL ALLOWANCE AND EXPENSING.—Subparagraph (A) of section 1400K(b)(2), as redesignated by subsection (a), is amended by striking the parenthetical therein and inserting ''(in the case of nonresidential real property and residential rental property, the date of the enactment of the Energy and Tax Extenders Act of 2008 or, if acquired pursuant to a binding contract in effect on such enactment date, December 31, 2009)''.

(c) CONFORMING AMENDMENTS.—

(1) Section 38(c)(3)(B) is amended by striking ''section 1400L(a)'' and inserting ''section 1400K(a)''.

(2) Section 168(k)(2)(D)(ii) is amended by striking ''section 1400L(c)(2)'' and inserting ''section 1400K(c)(2)''.

(3) The table of sections for part I of subchapter Y of chapter 1 is amended by redesignating the item relating to section 1400L as an item relating to section 1400K and by inserting after such item the following new item:

''Sec. 1400L. New York Liberty Zone tax credits.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 130. TRANSPORTATION FRINGE BENEFIT TO BICYCLE COMMUTERS.

(a) IN GENERAL.—Paragraph (1) of section 132(f) is amended by adding at the end the following:

''(D) Any qualified bicycle commuting reimbursement.''.

(b) LIMITATION ON EXCLUSION.—Paragraph (2) of section 132(f) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) the applicable annual limitation in the case of any qualified bicycle commuting reimbursement.''.

(c) DEFINITIONS.—Paragraph (5) of section 132(f) is amended by adding at the end the following:

''(F) DEFINITIONS RELATED TO BICYCLE COMMUTING REIMBURSEMENT.—

''(i) QUALIFIED BICYCLE COMMUTING REIMBURSEMENT.—The term 'qualified bicycle commuting reimbursement' means, with respect to any calendar year, any employer reimbursement during the 15-month period beginning with the first day of such calendar year for reasonable expenses incurred by the employee during such calendar year for the purchase of a bicycle and bicycle improvements, repair, and storage, if such bicycle is regularly used for travel between the employee's residence and place of employment.

''(ii) APPLICABLE ANNUAL LIMITATION.—The term 'applicable annual limitation' means, with respect to any employee for any calendar year, the product of $20 multiplied by the number of qualified bicycle commuting months during such year.

''(iii) QUALIFIED BICYCLE COMMUTING MONTH.—The term 'qualified bicycle commuting month' means, with respect to any employee, any month during which such employee—

''(I) regularly uses the bicycle for a substantial portion of the travel between the employee's residence and place of employment, and

''(II) does not receive any benefit described in subparagraph (A), (B), or (C) of paragraph (1).''.

(d) CONSTRUCTIVE RECEIPT OF BENEFIT.—Paragraph (4) of section 132(f) is amended by inserting ''(other than a qualified bicycle commuting reimbursement)'' after ''qualified transportation fringe''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 131. ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.

(a) INCREASE IN CREDIT AMOUNT.—Section 30C is amended—

(1) by striking ''30 percent'' in subsection (a) and inserting ''50 percent'', and

(2) by striking ''$30,000'' in subsection (b)(1) and inserting ''$50,000''.

(b) EXTENSION OF CREDIT.—Paragraph (2) of section 30C(g) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 132. COMPREHENSIVE STUDY OF BIOFUELS.

(a) STUDY.—The Secretary of the Treasury, in consultation with the Secretary of Agriculture, the Secretary of Energy, and the Administrator of the Environmental Protection Agency, shall enter into an agreement with the National Academy of Sciences to produce an analysis of current scientific findings to determine—

(1) current biofuels production, as well as projections for future production,

(2) the maximum amount of biofuels production capable in United States forests and farmlands, including the current quantities and character of the feedstocks and including such information as regional forest inventories that are commercially available, used in the production of biofuels,

(3) the domestic effects of an increase in biofuels production levels, including the effects of such levels on—

(A) the price of fuel,

(B) the price of land in rural and suburban communities,

(C) crop acreage, forest acreage, and other land use,

(D) the environment, due to changes in crop acreage, fertilizer use, runoff, water use, emissions from vehicles utilizing biofuels, and other factors,

(E) the price of feed,

(F) the selling price of grain crops and unprocessed forest products,

(G) exports and imports of grains and unprocessed forest products,

(H) taxpayers, through cost or savings to commodity crop payments, and

(I) the expansion of refinery capacity,

(4) the ability to convert corn ethanol plants for other uses, such as cellulosic ethanol or biodiesel,

(5) a comparative analysis of corn ethanol versus other biofuels and renewable energy sources, considering cost, energy output, and ease of implementation,

(6) the impact of the tax credit established by section 121 of this Act on the regional agricultural and silvicultural capabilities of commercially available forest inventories, and

(7) the need for additional scientific inquiry, and specific areas of interest for future research.

(b) REPORT.—The Secretary of the Treasury shall submit an initial report of the findings of the study required under subsection (a) to Congress not later than 6 months after the date of the enactment of this Act (36 months after such date in the case of the information required by subsection (a)(6)), and a final report not later than 12 months after such date (42 months after such date in the case of the information required by subsection (a)(6)).

Subtitle C—Energy Conservation and Efficiency Provisions

SEC. 141. QUALIFIED ENERGY CONSERVATION BONDS.

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1, as added by section 106, is amended by adding at the end the following new section:

''SEC. 54C. QUALIFIED ENERGY CONSERVATION BONDS.

''(a) QUALIFIED ENERGY CONSERVATION BOND.—For purposes of this subchapter, the term 'qualified energy conservation bond' means any bond issued as part of an issue if—

''(1) 100 percent of the available project proceeds of such issue are to be used for one or more qualified conservation purposes,

''(2) the bond is issued by a State or local government, and

''(3) the issuer designates such bond for purposes of this section.

''(b) REDUCED CREDIT AMOUNT.—The annual credit determined under section 54A(b) with respect to any qualified energy conservation bond shall be 70 percent of the amount so determined without regard to this subsection.

''(c) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount of bonds which may be designated under subsection (a) by any issuer shall not exceed the limitation amount allocated to such issuer under subsection (e).

''(d) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national qualified energy conservation bond limitation of $3,000,000,000.

''(e) ALLOCATIONS.—

''(1) IN GENERAL.—The limitation applicable under subsection (d) shall be allocated by the Secretary among the States in proportion to the population of the States.

''(2) ALLOCATIONS TO LARGEST LOCAL GOVERNMENTS.—

''(A) IN GENERAL.—In the case of any State in which there is a large local government, each such local government shall be allocated a portion of such State's allocation which bears the same ratio to the State's allocation (determined without regard to this subparagraph) as the population of such large local government bears to the population of such State.

''(B) ALLOCATION OF UNUSED LIMITATION TO STATE.—The amount allocated under this subsection to a large local government may be reallocated by such local government to the State in which such local government is located.

''(C) LARGE LOCAL GOVERNMENT.—For purposes of this section, the term 'large local government' means any municipality or county if such municipality or county has a population of 100,000 or more.

''(3) ALLOCATION TO ISSUERS; RESTRICTION ON PRIVATE ACTIVITY BONDS.—Any allocation under this subsection to a State or large local government shall be allocated by such State or large local government to issuers within the State in a manner that results in not less than 70 percent of the allocation to such State or large local government being used to designate bonds which are not private activity bonds.

''(f) QUALIFIED CONSERVATION PURPOSE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified conservation purpose' means any of the following:

''(A) Capital expenditures incurred for purposes of—

''(i) reducing energy consumption in publicly-owned buildings by at least 20 percent,

''(ii) implementing green community programs,

''(iii) rural development involving the production of electricity from renewable energy resources, or

''(iv) any qualified facility (as determined under section 45(d) without regard to paragraphs (8) and (10) thereof and without regard to any placed in service date).

''(B) Expenditures with respect to research facilities, and research grants, to support research in—

''(i) development of cellulosic ethanol or other nonfossil fuels,

''(ii) technologies for the capture and sequestration of carbon dioxide produced through the use of fossil fuels,

''(iii) increasing the efficiency of existing technologies for producing nonfossil fuels,

''(iv) automobile battery technologies and other technologies to reduce fossil fuel consumption in transportation, or

''(v) technologies to reduce energy use in buildings.

''(C) Mass commuting facilities and related facilities that reduce the consumption of energy, including expenditures to reduce pollution from vehicles used for mass commuting.

''(D) Demonstration projects designed to promote the commercialization of—

''(i) green building technology,

''(ii) conversion of agricultural waste for use in the production of fuel or otherwise,

''(iii) advanced battery manufacturing technologies,

''(iv) technologies to reduce peak use of electricity, or

''(v) technologies for the capture and sequestration of carbon dioxide emitted from combusting fossil fuels in order to produce electricity.

''(E) Public education campaigns to promote energy efficiency.

''(2) SPECIAL RULES FOR PRIVATE ACTIVITY BONDS.—For purposes of this section, in the case of any private activity bond, the term 'qualified conservation purposes' shall not include any expenditure which is not a capital expenditure.

''(g) POPULATION.—

''(1) IN GENERAL.—The population of any State or local government shall be determined for purposes of this section as provided in section 146(j) for the calendar year which includes the date of the enactment of this section.

''(2) SPECIAL RULE FOR COUNTIES.—In determining the population of any county for purposes of this section, any population of such county which is taken into account in determining the population of any municipality which is a large local government shall not be taken into account in determining the population of such county.

''(h) APPLICATION TO INDIAN TRIBAL GOVERNMENTS.—An Indian tribal government shall be treated for purposes of this section in the same manner as a large local government, except that—

''(1) an Indian tribal government shall be treated for purposes of subsection (e) as located within a State to the extent of so much of the population of such government as resides within such State, and

''(2) any bond issued by an Indian tribal government shall be treated as a qualified energy conservation bond only if issued as part of an issue the available project proceeds of which are used for purposes for which such Indian tribal government could issue bonds to which section 103(a) applies.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d), as added by section 106, is amended to read as follows:

''(1) QUALIFIED TAX CREDIT BOND.—The term 'qualified tax credit bond' means—

''(A) a new clean renewable energy bond, or

''(B) a qualified energy conservation bond, which is part of an issue that meets requirements of paragraphs (2), (3), (4), (5), and (6).''.

(2) Subparagraph (C) of section 54A(d)(2), as added by section 106, is amended to read as follows:

''(C) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means—

''(i) in the case of a new clean renewable energy bond, a purpose specified in section 54B(a)(1), and

''(ii) in the case of a qualified energy conservation bond, a purpose specified in section 54C(a)(1).''.

(3) The table of sections for subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 54C. Qualified energy conservation bonds.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 142. CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) EXTENSION OF CREDIT.—Section 25C(g) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) QUALIFIED BIOMASS FUEL PROPERTY.—

(1) IN GENERAL.—Section 25C(d)(3) is amended—

(A) by striking ''and'' at the end of subparagraph (D),

(B) by striking the period at the end of subparagraph (E) and inserting '', and'', and

(C) by adding at the end the following new subparagraph:

''(F) a stove which uses the burning of biomass fuel to heat a dwelling unit located in the United States and used as a residence by the taxpayer, or to heat water for use in such a dwelling unit, and which has a thermal efficiency rating of at least 75 percent.''.

(2) BIOMASS FUEL.—Section 25C(d) is amended by adding at the end the following new paragraph:

''(6) BIOMASS FUEL.—The term 'biomass fuel' means any plant-derived fuel available on a renewable or recurring basis, including agricultural crops and trees, wood and wood waste and residues (including wood pellets), plants (including aquatic plants), grasses, residues, and fibers.''.

(c) COORDINATION WITH CREDIT FOR QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY EXPENDITURES.—

(1) IN GENERAL.—Paragraph (3) of section 25C(d) is amended by striking subparagraph (C) and by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively.

(2) CONFORMING AMENDMENT.—Subparagraph (C) of section 25C(d)(2) is amended to read as follows:

''(C) REQUIREMENTS AND STANDARDS FOR AIR CONDITIONERS AND HEAT PUMPS.—The standards and requirements prescribed by the Secretary under subparagraph (B) with respect to the energy efficiency ratio (EER) for central air conditioners and electric heat pumps—

''(i) shall require measurements to be based on published data which is tested by manufacturers at 95 degrees Fahrenheit, and

''(ii) may be based on the certified data of the Air Conditioning and Refrigeration Institute that are prepared in partnership with the Consortium for Energy Efficiency.''.

(d) EFFECTIVE DATE.—The amendments made this section shall apply to expenditures made after December 31, 2007.

SEC. 143. ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

Subsection (h) of section 179D is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

SEC. 144. MODIFICATIONS OF ENERGY EFFICIENT APPLIANCE CREDIT FOR APPLIANCES PRODUCED AFTER 2007.

(a) IN GENERAL.—Subsection (b) of section 45M is amended to read as follows:

''(b) APPLICABLE AMOUNT.—For purposes of subsection (a)—

''(1) DISHWASHERS.—The applicable amount is—

''(A) $45 in the case of a dishwasher which is manufactured in calendar year 2008 or 2009 and which uses no more than 324 kilowatt hours per year and 5.8 gallons per cycle, and

''(B) $75 in the case of a dishwasher which is manufactured in calendar year 2008, 2009, or 2010 and which uses no more than 307 kilowatt hours per year and 5.0 gallons per cycle (5.5 gallons per cycle for dishwashers designed for greater than 12 place settings).

''(2) CLOTHES WASHERS.—The applicable amount is—

''(A) $75 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 which meets or exceeds a 1.72 modified energy factor and does not exceed a 8.0 water consumption factor,

''(B) $125 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 or 2009 which meets or exceeds a 1.8 modified energy factor and does not exceed a 7.5 water consumption factor,

''(C) $150 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.0 modified energy factor and does not exceed a 6.0 water consumption factor, and

''(D) $250 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.2 modified energy factor and does not exceed a 4.5 water consumption factor.

''(3) REFRIGERATORS.—The applicable amount is—

''(A) $50 in the case of a refrigerator which is manufactured in calendar year 2008, and consumes at least 20 percent but not more than 22.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

''(B) $75 in the case of a refrigerator which is manufactured in calendar year 2008 or 2009, and consumes at least 23 percent but no more than 24.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

''(C) $100 in the case of a refrigerator which is manufactured in calendar year 2008, 2009, or 2010, and consumes at least 25 percent but not more than 29.9 percent less kilowatt hours per year than the 2001 energy conservation standards, and

''(D) $200 in the case of a refrigerator manufactured in calendar year 2008, 2009, or 2010 and which consumes at least 30 percent less energy than the 2001 energy conservation standards.''.

(b) ELIGIBLE PRODUCTION.—

(1) SIMILAR TREATMENT FOR ALL APPLIANCES.—Subsection (c) of section 45M is amended—

(A) by striking paragraph (2),

(B) by striking ''(1) IN GENERAL'' and all that follows through ''the eligible'' and inserting ''The eligible'', and

(C) by moving the text of such subsection in line with the subsection heading and redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

(2) MODIFICATION OF BASE PERIOD.—Paragraph (2) of section 45M(c), as amended by paragraph (1), is amended by striking ''3-calendar year'' and inserting ''2-calendar year''.

(c) TYPES OF ENERGY EFFICIENT APPLIANCES.—Subsection (d) of section 45M (defining types of energy efficient appliances) is amended to read as follows:

''(d) TYPES OF ENERGY EFFICIENT APPLIANCE.—For purposes of this section, the types of energy efficient appliances are—

''(1) dishwashers described in subsection (b)(1),

''(2) clothes washers described in subsection (b)(2), and

''(3) refrigerators described in subsection (b)(3).''.

(d) AGGREGATE CREDIT AMOUNT ALLOWED.—

(1) INCREASE IN LIMIT.—Paragraph (1) of section 45M(e) is amended to read as follows:

''(1) AGGREGATE CREDIT AMOUNT ALLOWED.—The aggregate amount of credit allowed under subsection (a) with respect to a taxpayer for any taxable year shall not exceed $75,000,000 reduced by the amount of the credit allowed under subsection (a) to the taxpayer (or any predecessor) for all prior taxable years beginning after December 31, 2007.''.

(2) EXCEPTION FOR CERTAIN REFRIGERATOR AND CLOTHES WASHERS.—Paragraph (2) of section 45M(e) is amended to read as follows:

''(2) AMOUNT ALLOWED FOR CERTAIN REFRIGERATORS AND CLOTHES WASHERS.—Refrigerators described in subsection (b)(3)(D) and clothes washers described in subsection (b)(2)(D) shall not be taken into account under paragraph (1).''.

(e) QUALIFIED ENERGY EFFICIENT APPLIANCES.—

(1) IN GENERAL.—Paragraph (1) of section 45M(f) (defining qualified energy efficient appliance) is amended to read as follows:

''(1) QUALIFIED ENERGY EFFICIENT APPLIANCE.—The term 'qualified energy efficient appliance' means—

''(A) any dishwasher described in subsection (b)(1),

''(B) any clothes washer described in subsection (b)(2), and

''(C) any refrigerator described in subsection (b)(3).''.

(2) CLOTHES WASHER.—Section 45M(f)(3) is amended by inserting ''commercial'' before ''residential'' the second place it appears.

(3) TOP-LOADING CLOTHES WASHER.—Subsection (f) of section 45M is amended by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively, and by inserting after paragraph (3) the following new paragraph:

''(4) TOP-LOADING CLOTHES WASHER.—The term 'top-loading clothes washer' means a clothes washer which has the clothes container compartment access located on the top of the machine and which operates on a vertical axis.''.

(4) REPLACEMENT OF ENERGY FACTOR.—Section 45M(f)(6), as redesignated by paragraph (3), is amended to read as follows:

''(6) MODIFIED ENERGY FACTOR.—The term 'modified energy factor' means the modified energy factor established by the Department of Energy for compliance with the Federal energy conservation standard.''.

(5) GALLONS PER CYCLE; WATER CONSUMPTION FACTOR.—Section 45M(f), as amended by paragraph (3), is amended by adding at the end the following:

''(9) GALLONS PER CYCLE.—The term 'gallons per cycle' means, with respect to a dishwasher, the amount of water, expressed in gallons, required to complete a normal cycle of a dishwasher.

''(10) WATER CONSUMPTION FACTOR.—The term 'water consumption factor' means, with respect to a clothes washer, the quotient of the total weighted per-cycle water consumption divided by the cubic foot (or liter) capacity of the clothes washer.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after December 31, 2007.

SEC. 145. ACCELERATED RECOVERY PERIOD FOR DEPRECIATION OF SMART METERS AND SMART GRID SYSTEMS.

(a) IN GENERAL.—Section 168(e)(3)(D) is amended by striking ''and'' at the end of clause (i), by striking the period at the end of clause (ii) and inserting '', and'', and by inserting after clause (ii) the following new clauses:

''(iii) any qualified smart electric meter, and

''(iv) any qualified smart electric grid system.''.

(b) DEFINITIONS.—Section 168(i) is amended by inserting at the end the following new paragraph:

''(18) QUALIFIED SMART ELECTRIC METERS.—

''(A) IN GENERAL.—The term 'qualified smart electric meter' means any smart electric meter which is placed in service by a taxpayer who is a supplier of electric energy or a provider of electric energy services.

''(B) SMART ELECTRIC METER.—For purposes of subparagraph (A), the term 'smart electric meter' means any time-based meter and related communication equipment which is capable of being used by the taxpayer as part of a system that—

''(i) measures and records electricity usage data on a time-differentiated basis in at least 24 separate time segments per day,

''(ii) provides for the exchange of information between supplier or provider and the customer's electric meter in support of time-based rates or other forms of demand response,

''(iii) provides data to such supplier or provider so that the supplier or provider can provide energy usage information to customers electronically, and

''(iv) provides net metering.

''(19) QUALIFIED SMART ELECTRIC GRID SYSTEMS.—

''(A) IN GENERAL.—The term 'qualified smart electric grid system' means any smart grid property used as part of a system for electric distribution grid communications, monitoring, and management placed in service by a taxpayer who is a supplier of electric energy or a provider of electric energy services.

''(B) SMART GRID PROPERTY.—For the purposes of subparagraph (A), the term 'smart grid property' means electronics and related equipment that is capable of—

''(i) sensing, collecting, and monitoring data of or from all portions of a utility's electric distribution grid,

''(ii) providing real-time, two-way communications to monitor or manage such grid, and

''(iii) providing real time analysis of and event prediction based upon collected data that can be used to improve electric distribution system reliability, quality, and performance.''.

(c) CONTINUED APPLICATION OF 150 PERCENT DECLINING BALANCE METHOD.—Paragraph (2) of section 168(b) is amended by striking ''or'' at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

''(C) any property (other than property described in paragraph (3)) which is a qualified

smart electric meter or qualified smart electric grid system, or''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 146. QUALIFIED GREEN BUILDING AND SUSTAINABLE DESIGN PROJECTS.

(a) IN GENERAL.—Paragraph (8) of section 142(l) is amended by striking ''September 30, 2009'' and inserting ''September 30, 2012''.

(b) TREATMENT OF CURRENT REFUNDING BONDS.—Paragraph (9) of section 142(l) is amended by striking ''October 1, 2009'' and inserting ''October 1, 2012''.

(c) ACCOUNTABILITY.—The second sentence of section 701(d) of the American Jobs Creation Act of 2004 is amended by striking ''issuance,'' and inserting ''issuance of the last issue with respect to such project,''.

TITLE II—ONE-YEAR EXTENSION OF TEMPORARY PROVISIONS

Subtitle A—Extensions Primarily Affecting Individuals

SEC. 201. DEDUCTION FOR STATE AND LOCAL SALES TAXES.

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 202. DEDUCTION OF QUALIFIED TUITION AND RELATED EXPENSES.

(a) IN GENERAL.—Subsection (e) of section 222 is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 203. TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) INTEREST-RELATED DIVIDENDS.—Subparagraph (C) of section 871(k)(1) (defining interest-related dividend) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) SHORT-TERM CAPITAL GAIN DIVIDENDS.—Subparagraph (C) of section 871(k)(2) (defining short-term capital gain dividend) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to dividends with respect to taxable years of regulated investment companies beginning after December 31, 2007.

SEC. 204. QUALIFIED CONSERVATION CONTRIBUTIONS.

(a) IN GENERAL.—Paragraphs (1)(E)(vi) and (2)(B)(iii) of section 170(b) are each amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2007.

SEC. 205. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subparagraph (F) of section 408(d)(8) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2007.

SEC. 206. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) is amended by striking ''or 2007'' and inserting ''2007, or 2008''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2007.

SEC. 207. ELECTION TO INCLUDE COMBAT PAY AS EARNED INCOME FOR PURPOSES OF EARNED INCOME TAX CREDIT.

(a) IN GENERAL.—Subclause (II) of section 32(c)(2)(B)(vi) (defining earned income) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2009''.

(b) CONFORMING AMENDMENT.—Paragraph (4) of section 6428(e) is amended by striking ''except that'' and all that follows through ''such term'' and inserting ''except that such term''.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending after December 31, 2007.

SEC. 208. MODIFICATION OF MORTGAGE REVENUE BONDS FOR VETERANS.

(a) QUALIFIED MORTGAGE BONDS USED TO FINANCE RESIDENCES FOR VETERANS WITHOUT REGARD TO FIRST-TIME HOMEBUYER REQUIREMENT.—Subparagraph (D) of section 143(d)(2) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after December 31, 2007.

SEC. 209. DISTRIBUTIONS FROM RETIREMENT PLANS TO INDIVIDUALS CALLED TO ACTIVE DUTY.

(a) IN GENERAL.—Clause (iv) of section 72(t)(2)(G) is amended by striking ''December 31, 2007'' and inserting ''January 1, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals ordered or called to active duty on or after December 31, 2007.

SEC. 210. STOCK IN RIC FOR PURPOSES OF DETERMINING ESTATES OF NONRESIDENTS NOT CITIZENS.

(a) IN GENERAL.—Paragraph (3) of section 2105(d) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to decedents dying after December 31, 2007.

SEC. 211. QUALIFIED INVESTMENT ENTITIES.

(a) IN GENERAL.—Clause (ii) of section 897(h)(4)(A) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2008, except that such amendment shall not apply to the application of withholding requirements with respect to any payment made on or before the date of the enactment of this Act.

SEC. 212. EXCLUSION OF AMOUNTS RECEIVED UNDER QUALIFIED GROUP LEGAL SERVICES PLANS.

(a) IN GENERAL.—Subsection (e) of section 120 is amended by striking ''shall not apply to taxable years beginning after June 30, 1992'' and inserting ''shall apply to taxable years beginning after December 31, 2007, and before January 1, 2009''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

Subtitle B—Extensions Primarily Affecting Businesses

SEC. 221. RESEARCH CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 41(h)(1) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) COMPUTATION OF CREDIT FOR TAXABLE YEAR IN WHICH CREDIT TERMINATES.—Paragraph (2) of section 41(h) is amended to read as follows:

''(2) COMPUTATION OF CREDIT FOR TAXABLE YEAR IN WHICH CREDIT TERMINATES.—

''(A) IN GENERAL.—In the case of any taxable year with respect to which this section applies to a number of days which is less than the total number of days in such taxable year, the applicable base amount with respect to such taxable year shall be the amount which bears the same ratio to such applicable amount (determined without regard to this paragraph) as the number of days in such taxable year to which this section applies bears to the total number of days in such taxable year.

''(B) APPLICABLE BASE AMOUNT.—For purposes of subparagraph (A), the term 'applicable base amount' means, with respect to any taxable year—

''(i) except as otherwise provided in this subparagraph, the base amount for the taxable year,

''(ii) in the case of a taxable year with respect to which an election under subsection (c)(4) (relating to election of alternative incremental credit) is in effect, the average described in subsection (c)(1)(B) for the taxable year, and

''(iii) in the case of a taxable year with respect to which an election under subsection (c)(5) (relating to election of alternative simplified credit) is in effect, the average qualified research expenses for the 3 taxable years preceding the taxable year.''.

(c) CONFORMING AMENDMENT.—Subparagraph (D) of section 45C(b)(1) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2007.

SEC. 222. INDIAN EMPLOYMENT CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45A is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 223. NEW MARKETS TAX CREDIT.

Subparagraph (D) of section 45D(f)(1) is amended by striking ''and 2008'' and inserting ''2008, and 2009''.

SEC. 224. RAILROAD TRACK MAINTENANCE.

(a) IN GENERAL.—Subsection (f) of section 45G is amended by striking ''January 1, 2008'' and inserting ''January 1, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred during taxable years beginning after December 31, 2007.

SEC. 225. FIFTEEN-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS AND QUALIFIED RESTAURANT PROPERTY.

(a) IN GENERAL.—Clauses (iv) and (v) of section 168(e)(3)(E) are each amended by striking ''January 1, 2008'' and inserting ''January 1, 2009''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007.

SEC. 226. SEVEN-YEAR COST RECOVERY PERIOD FOR MOTORSPORTS RACING TRACK FACILITY.

(a) IN GENERAL.—Subparagraph (D) of section 168(i)(15) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SEC. 227. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON INDIAN RESERVATION.

(a) IN GENERAL.—Paragraph (8) of section 168(j) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SEC. 228. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) IN GENERAL.—Subsection (h) of section 198 is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2007.

SEC. 229. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

(a) IN GENERAL.—Subparagraph (C) of section 199(d)(8) is amended—

(1) by striking ''first 2 taxable years'' and inserting ''first 3 taxable years'', and

(2) by striking ''January 1, 2008'' and inserting ''January 1, 2009''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 230. MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Clause (iv) of section 512(b)(13)(E) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments received or accrued after December 31, 2007.

SEC. 231. QUALIFIED ZONE ACADEMY BONDS.

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1, as amended by sections 106 and 141, is amended by adding at the end the following new section:

''SEC. 54D. QUALIFIED ZONE ACADEMY BONDS.

''(a) QUALIFIED ZONE ACADEMY BONDS.—For purposes of this subchapter, the term 'qualified zone academy bond' means any bond issued as part of an issue if—

''(1) 100 percent of the available project proceeds of such issue are to be used for a qualified purpose with respect to a qualified zone academy established by an eligible local education agency,

''(2) the bond is issued by a State or local government within the jurisdiction of which such academy is located, and

''(3) the issuer—

''(A) designates such bond for purposes of this section,

''(B) certifies that it has written assurances that the private business contribution requirement of subsection (b) will be met with respect to such academy, and

''(C) certifies that it has the written approval of the eligible local education agency for such bond issuance.

''(b) PRIVATE BUSINESS CONTRIBUTION REQUIREMENT.—For purposes of subsection (a), the private business contribution requirement of this subsection is met with respect to any issue if the eligible local education agency that established the qualified zone academy has written commitments from private entities to make qualified contributions having a present value (as of the date of issuance of the issue) of not less than 10 percent of the proceeds of the issue.

''(c) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

''(1) NATIONAL LIMITATION.—There is a national zone academy bond limitation for each calendar year. Such limitation is $400,000,000 for 2008, and, except as provided in paragraph (4), zero thereafter.

''(2) ALLOCATION OF LIMITATION.—The national zone academy bond limitation for a calendar year shall be allocated by the Secretary among the States on the basis of their respective populations of individuals below the poverty line (as defined by the Office of Management and Budget). The limitation amount allocated to a State under the preceding sentence shall be allocated by the State education agency to qualified zone academies within such State.

''(3) DESIGNATION SUBJECT TO LIMITATION AMOUNT.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (a) with respect to any qualified zone academy shall not exceed the limitation amount allocated to such academy under paragraph (2) for such calendar year.

''(4) CARRYOVER OF UNUSED LIMITATION.—

''(A) IN GENERAL.—If for any calendar year—

''(i) the limitation amount for any State, exceeds

''(ii) the amount of bonds issued during such year which are designated under subsection (a) with respect to qualified zone academies within such State,

the limitation amount for such State for the following calendar year shall be increased by the amount of such excess.

''(B) LIMITATION ON CARRYOVER.—Any carryforward of a limitation amount may be carried only to the first 2 years following the unused limitation year. For purposes of the preceding sentence, a limitation amount shall be treated as used on a first-in first-out basis.

''(C) COORDINATION WITH SECTION 1397E.—Any carryover determined under section 1397E(e)(4) (relating to carryover of unused limitation) with respect to any State to calendar year 2008 shall be treated for purposes of this section as a carryover with respect to such State for such calendar year under subparagraph (A), and the limitation of subparagraph (B) shall apply to such carryover taking into account the calendar years to which such carryover relates.

''(d) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED ZONE ACADEMY.—The term 'qualified zone academy' means any public school (or academic program within a public school) which is established by and operated under the supervision of an eligible local education agency to provide education or training below the postsecondary level if—

''(A) such public school or program (as the case may be) is designed in cooperation with business to enhance the academic curriculum, increase graduation and employment rates, and better prepare students for the rigors of college and the increasingly complex workforce,

''(B) students in such public school or program (as the case may be) will be subject to the same academic standards and assessments as other students educated by the eligible local education agency,

''(C) the comprehensive education plan of such public school or program is approved by the eligible local education agency, and

''(D)(i) such public school is located in an empowerment zone or enterprise community (including any such zone or community designated after the date of the enactment of this section), or

''(ii) there is a reasonable expectation (as of the date of issuance of the bonds) that at least 35 percent of the students attending such school or participating in such program (as the case may be) will be eligible for free or reduced-cost lunches under the school lunch program established under the National School Lunch Act.

''(2) ELIGIBLE LOCAL EDUCATION AGENCY.—For purposes of this section, the term 'eligible local education agency' means any local educational agency as defined in section 9101 of the Elementary and Secondary Education Act of 1965.

''(3) QUALIFIED PURPOSE.—The term 'qualified purpose' means, with respect to any qualified zone academy—

''(A) rehabilitating or repairing the public school facility in which the academy is established,

''(B) providing equipment for use at such academy,

''(C) developing course materials for education to be provided at such academy, and

''(D) training teachers and other school personnel in such academy.

''(4) QUALIFIED CONTRIBUTIONS.—The term 'qualified contribution' means any contribution (of a type and quality acceptable to the eligible local education agency) of—

''(A) equipment for use in the qualified zone academy (including state-of-the-art technology and vocational equipment),

''(B) technical assistance in developing curriculum or in training teachers in order to promote appropriate market driven technology in the classroom,

''(C) services of employees as volunteer mentors,

''(D) internships, field trips, or other educational opportunities outside the academy for students, or

''(E) any other property or service specified by the eligible local education agency.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d), as amended by sections 106 and 141, is amended by striking ''or'' at the end of subparagraph (A), by inserting ''or'' at the end of subparagraph (B), and by inserting after subparagraph (B) the following new subparagraph:

''(C) a qualified zone academy bond,''.

(2) Subparagraph (C) of section 54A(d)(2), as amended by sections 106 and 141, is amended by striking ''and'' at the end of clause (i), by striking the period at the end of clause (ii) and inserting '', and'', and by adding at the end the following new clause:

''(iii) in the case of a qualified zone academy bond, a purpose specified in section 54D(a)(1).''.

(3) Section 1397E is amended by adding at the end the following new subsection:

''(m) TERMINATION.—This section shall not apply to any obligation issued after the date of the enactment of this Act.''.

(4) The table of sections for subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 54D. Qualified zone academy bonds.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 232. TAX INCENTIVES FOR INVESTMENT IN THE DISTRICT OF COLUMBIA.

(a) DESIGNATION OF ZONE.—

(1) IN GENERAL.—Subsection (f) of section 1400 is amended by striking ''2007'' both places it appears and inserting ''2008''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to periods beginning after December 31, 2007.

(b) TAX-EXEMPT ECONOMIC DEVELOPMENT BONDS.—

(1) IN GENERAL.—Subsection (b) of section 1400A is amended by striking ''2007'' and inserting ''2008''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to bonds issued after December 31, 2007.

(c) ZERO PERCENT CAPITAL GAINS RATE.—

(1) IN GENERAL.—Subsection (b) of section 1400B is amended by striking ''2008'' each place it appears and inserting ''2009''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1400B(e)(2) is amended—

(i) by striking ''2012'' and inserting ''2013'', and

(ii) by striking ''2012'' in the heading thereof and inserting ''2013''.

(B) Section 1400B(g)(2) is amended by striking ''2012'' and inserting ''2013''.

(C) Section 1400F(d) is amended by striking ''2012'' and inserting ''2013''.

(3) EFFECTIVE DATES.—

(A) EXTENSION.—The amendments made by paragraph (1) shall apply to acquisitions after December 31, 2007.

(B) CONFORMING AMENDMENTS.—The amendments made by paragraph (2) shall take effect on the date of the enactment of this Act.

(d) FIRST-TIME HOMEBUYER CREDIT.—

(1) IN GENERAL.—Subsection (i) of section 1400C is amended by striking ''2008'' and inserting ''2009''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property purchased after December 31, 2007.

SEC. 233. ECONOMIC DEVELOPMENT CREDIT FOR AMERICAN SAMOA.

(a) IN GENERAL.—Subsection (d) of section 119 of division A of the Tax Relief and Health Care Act of 2006 is amended—

(1) by striking ''first two taxable years'' and inserting ''first 3 taxable years'', and

(2) by striking ''January 1, 2008'' and inserting ''January 1, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 234. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(C) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2007.

SEC. 235. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORY TO PUBLIC SCHOOLS.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(D) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2007.

SEC. 236. ENHANCED DEDUCTION FOR QUALIFIED COMPUTER CONTRIBUTIONS.

(a) IN GENERAL.—Subparagraph (G) of section 170(e)(6) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made during taxable years beginning after December 31, 2007.

SEC. 237. BASIS ADJUSTMENT TO STOCK OF S CORPORATIONS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.

(a) IN GENERAL.—The last sentence of section 1367(a)(2) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2007.

SEC. 238. WORK OPPORTUNITY TAX CREDIT FOR HURRICANE KATRINA EMPLOYEES.

(a) IN GENERAL.—Paragraph (1) of section 201(b) of the Katrina Emergency Tax Relief Act of 2005 is amended by striking ''2-year'' and inserting ''3-year''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals hired after August 27, 2007.

SEC. 239. SUBPART F EXCEPTION FOR ACTIVE FINANCING INCOME.

(a) EXEMPT INSURANCE INCOME.—Paragraph (10) of section 953(e) (relating to application) is amended—

(1) by striking ''January 1, 2009'' and inserting ''January 1, 2010'', and

(2) by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) EXCEPTION TO TREATMENT AS FOREIGN PERSONAL HOLDING COMPANY INCOME.—Paragraph (9) of section 954(h) (relating to application) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

SEC. 240. LOOK-THRU RULE FOR RELATED CONTROLLED FOREIGN CORPORATIONS.

(a) IN GENERAL.—Subparagraph (B) of section 954(c)(6) (relating to application) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2008, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

SEC. 241. EXPENSING FOR CERTAIN QUALIFIED FILM AND TELEVISION PRODUCTIONS.

(a) IN GENERAL.—Subsection (f) of section 181 is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to productions commencing after December 31, 2008.

Subtitle C—Other Extensions

SEC. 251. AUTHORITY TO DISCLOSE INFORMATION RELATED TO TERRORIST ACTIVITIES MADE PERMANENT.

(a) IN GENERAL.—Subparagraph (C) of section 6103(i)(3) is amended by striking clause (iv).

(b) DISCLOSURE ON REQUEST.—Paragraph (7) of section 6103(i) is amended by striking subparagraph (E).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to disclosures after the date of the enactment of this Act.

SEC. 252. AUTHORITY FOR UNDERCOVER OPERATIONS MADE PERMANENT.

(a) IN GENERAL.—Subsection (c) of section 7608 is amended by striking paragraph (6).

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on January 1, 2008.

SEC. 253. AUTHORITY TO DISCLOSE RETURN INFORMATION FOR CERTAIN VETERANS PROGRAMS MADE PERMANENT.

(a) IN GENERAL.—Paragraph (7) of section 6103(l) is amended by striking the last sentence thereof.

(b) CONFORMING AMENDMENT.—Section 6103(l)(7)(D)(viii)(III) is amended by striking ''sections 1710(a)(1)(I), 1710(a)(2), 1710(b), and 1712(a)(2)(B)'' and inserting ''sections 1710(a)(2)(G), 1710(a)(3), and 1710(b)''.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to requests made after September 30, 2008.

SEC. 254. INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAX TO PUERTO RICO AND THE VIRGIN ISLANDS.

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2007.

TITLE III—ADDITIONAL TAX RELIEF

Subtitle A—Individual Tax Relief

SEC. 301. ADDITIONAL STANDARD DEDUCTION FOR REAL PROPERTY TAXES FOR NONITEMIZERS.

(a) IN GENERAL.—Section 63(c)(1) (defining standard deduction) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) in the case of any taxable year beginning in 2008, the real property tax deduction.''.

(b) DEFINITION.—Section 63(c) is amended by adding at the end the following new paragraph:

''(7) REAL PROPERTY TAX DEDUCTION.—For purposes of paragraph (1), the real property tax deduction is the lesser of—

''(A) the amount allowable as a deduction under this chapter for State and local taxes described in section 164(a)(1), or

''(B) $350 ($700 in the case of a joint return).

Any taxes taken into account under section 62(a) shall not be taken into account under this paragraph.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 302. REFUNDABLE CHILD CREDIT.

(a) MODIFICATION OF THRESHOLD AMOUNT.—Clause (i) of section 24(d)(1)(B) is amended by inserting ''($8,500 in the case of taxable years beginning in 2008)'' after ''$10,000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2007.

SEC. 303. INCREASE OF AMT REFUNDABLE CREDIT AMOUNT FOR INDIVIDUALS WITH LONG-TERM UNUSED CREDITS FOR PRIOR YEAR MINIMUM TAX LIABILITY, ETC.

(a) IN GENERAL.—Paragraph (2) of section 53(e) is amended to read as follows:

''(2) AMT REFUNDABLE CREDIT AMOUNT.—For purposes of paragraph (1), the term 'AMT refundable credit amount' means, with respect to any taxable year, the amount (not in excess of the long-term unused minimum tax credit for such taxable year) equal to the greater of—

''(A) 50 percent of the long-term unused minimum tax credit for such taxable year, or

''(B) the amount (if any) of the AMT refundable credit amount for the taxpayer's preceding taxable year (determined without regard to subsection (f)(2)).''.

(b) TREATMENT OF CERTAIN UNDERPAYMENTS, INTEREST, AND PENALTIES ATTRIBUTABLE TO THE TREATMENT OF INCENTIVE STOCK OPTIONS.—Section 53 is amended by adding at the end the following new subsection:

''(f) TREATMENT OF CERTAIN UNDERPAYMENTS, INTEREST, AND PENALTIES ATTRIBUTABLE TO THE TREATMENT OF INCENTIVE STOCK OPTIONS.—

''(1) ABATEMENT.—Any underpayment of tax outstanding on the date of the enactment of this subsection which is attributable to the application of section 56(b)(3) for any taxable year ending before January 1, 2008 (and any interest or penalty with respect to such underpayment which is outstanding on such date of enactment), is hereby abated. The amount determined under subsection (b)(1) shall not include any tax abated under the preceding sentence.

''(2) INCREASE IN CREDIT FOR CERTAIN INTEREST AND PENALTIES ALREADY PAID.—The AMT refundable credit amount for the taxpayer's first 2 taxable years beginning after December 31, 2007, shall each be increased by 50 percent of the aggregate amount of the interest and penalties which were paid by the taxpayer before the date of the enactment of this subsection and which would (but for such payment) have been abated under paragraph (1).''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by this section shall apply to taxable years beginning after December 31, 2007.

(2) ABATEMENT.—Section 53(f)(1) of the Internal Revenue Code of 1986, as added by subsection (b), shall take effect on the date of the enactment of this Act.

Subtitle B—Business Related Provisions

SEC. 311. UNIFORM TREATMENT OF ATTORNEY-ADVANCED EXPENSES AND COURT COSTS IN CONTINGENCY FEE CASES.

(a) IN GENERAL.—Section 162 is amended by redesignating subsection (q) as subsection (r) and by inserting after subsection (p) the following new subsection:

''(q) ATTORNEY-ADVANCED EXPENSES AND COURT COSTS IN CONTINGENCY FEE CASES.—In the case of any expense or court cost which is paid or incurred in the course of the trade or business of practicing law and the repayment of which is contingent on a recovery by judgment or settlement in the action to which such expense or cost relates, the deduction under subsection (a) shall be determined as if such expense or cost was not subject to repayment.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenses and costs paid or incurred in taxable years beginning after the date of the enactment of this Act.

SEC. 312. PROVISIONS RELATED TO FILM AND TELEVISION PRODUCTIONS.

(a) MODIFICATION OF LIMITATION ON EXPENSING.—Subparagraph (A) of section 181(a)(2) is amended to read as follows:

''(A) IN GENERAL.—Paragraph (1) shall not apply to so much of the aggregate cost of any qualified film or television production as exceeds $15,000,000.''.

(b) MODIFICATIONS TO DEDUCTION FOR DOMESTIC ACTIVITIES.—

(1) DETERMINATION OF W–2 WAGES.—Paragraph (2) of section 199(b) is amended by adding at the end the following new subparagraph:

''(D) SPECIAL RULE FOR QUALIFIED FILM.—In the case of a qualified film, such term shall include compensation for services performed in the United States by actors, production personnel, directors, and producers.''.

(2) DEFINITION OF QUALIFIED FILM.—Paragraph (6) of section 199(c) is amended by adding at the end the following: ''A qualified film shall include any copyrights, trademarks, or other intangibles with respect to such film. The methods and means of distributing a qualified film shall not affect the availability of the deduction under this section.''.

(3) PARTNERSHIPS.—Subparagraph (A) of section 199(d)(1) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end the following new clause:

''(iv) in the case of each partner of a partnership, or shareholder of an S corporation, who owns (directly or indirectly) at least 20 percent of the capital interests in such partnership or of the stock of such S corporation—

''(I) such partner or shareholder shall be treated as having engaged directly in any film produced by such partnership or S corporation, and

''(II) such partnership or S corporation shall be treated as having engaged directly in any film produced by such partner or shareholder.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 2007.

(2) EXPENSING.—The amendments made by subsection (a) shall apply to qualified film and television productions commencing after December 31, 2007.

Subtitle C—Modification of Penalty on Understatement of Taxpayer's Liability by Tax Return Preparer

SEC. 321. MODIFICATION OF PENALTY ON UNDERSTATEMENT OF TAXPAYER'S LIABILITY BY TAX RETURN PREPARER.

(a) IN GENERAL.—Subsection (a) of section 6694 (relating to understatement due to unreasonable positions) is amended to read as follows:

''(a) UNDERSTATEMENT DUE TO UNREASONABLE POSITIONS.—

''(1) IN GENERAL.—If a tax return preparer—

''(A) prepares any return or claim of refund with respect to which any part of an understatement of liability is due to a position described in paragraph (2), and

''(B) knew (or reasonably should have known) of the position,

such tax return preparer shall pay a penalty with respect to each such return or claim in an amount equal to the greater of $1,000 or 50 percent of the income derived (or to be derived) by the tax return preparer with respect to the return or claim.

''(2) UNREASONABLE POSITION.—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, a position is described in this paragraph unless there is or was substantial authority for the position.

''(B) DISCLOSED POSITIONS.—If the position was disclosed as provided in section 6662(d)(2)(B)(ii)(I) and is not a position to which subparagraph (C) applies, the position is described in this paragraph unless there is a reasonable basis for the position.

''(C) TAX SHELTERS AND REPORTABLE TRANSACTIONS.—If the position is with respect to a tax shelter (as defined in section 6662(d)(2)(C)(ii)) or a reportable transaction to which section 6662A applies, the position is described in this paragraph unless it is reasonable to believe that the position would more likely than not be sustained on its merits.

''(3) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this subsection if it is shown that there is reasonable cause for the understatement and the tax return preparer acted in good faith.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply—

(1) in the case of a position other than a position described in subparagraph (C) of section 6694(a)(2) of the Internal Revenue Code of 1986 (as amended by this section), to returns prepared after May 25, 2007, and

(2) in the case of a position described in such subparagraph (C), to returns prepared for taxable years ending after the date of the enactment of this Act.

Subtitle D—Extension and Expansion of Certain GO Zone Incentives

SEC. 331. CERTAIN GO ZONE INCENTIVES.

(a) USE OF AMENDED INCOME TAX RETURNS TO TAKE INTO ACCOUNT RECEIPT OF CERTAIN HURRICANE-RELATED CASUALTY LOSS GRANTS BY DISALLOWING PREVIOUSLY TAKEN CASUALTY LOSS DEDUCTIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of the Internal Revenue Code of 1986, if a taxpayer claims a deduction for any taxable year with respect to a casualty loss to a principal residence (within the meaning of section 121 of such Code) resulting from Hurricane Katrina, Hurricane Rita, or Hurricane Wilma and in a subsequent taxable year receives a grant under Public Law 109–148, 109–234, or 110–116 as reimbursement for such loss, such taxpayer may elect to file an amended income tax return for the taxable year in which such deduction was allowed (and for any taxable year to which such deduction is carried) and reduce (but not below zero) the amount of such deduction by the amount of such reimbursement.

(2) TIME OF FILING AMENDED RETURN.—Paragraph (1) shall apply with respect to any grant only if any amended income tax returns with respect to such grant are filed not later than the later of—

(A) the due date for filing the tax return for the taxable year in which the taxpayer receives such grant, or

(B) the date which is 1 year after the date of the enactment of this Act.

(3) WAIVER OF PENALTIES AND INTEREST.—Any underpayment of tax resulting from the reduction under paragraph (1) of the amount otherwise allowable as a deduction shall not be subject to any penalty or interest under such Code if such tax is paid not later than 1 year after the filing of the amended return to which such reduction relates.

(b) WAIVER OF DEADLINE ON CONSTRUCTION OF GO ZONE PROPERTY ELIGIBLE FOR BONUS DEPRECIATION.—

(1) IN GENERAL.—Subparagraph (B) of section 1400N(d)(3) is amended to read as follows:

''(B) without regard to 'and before January 1, 2009' in clause (i) thereof,''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property placed in service after December 31, 2007.

(c) INCLUSION OF CERTAIN COUNTIES IN GULF OPPORTUNITY ZONE FOR PURPOSES OF TAX-EXEMPT BOND FINANCING.—

(1) IN GENERAL.—Subsection (a) of section 1400N is amended by adding at the end the following new paragraph:

''(8) INCLUSION OF CERTAIN COUNTIES.—For purposes of this subsection, the Gulf Opportunity Zone includes Colbert County, Alabama and Dallas County, Alabama.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the provisions of the Gulf Opportunity Zone Act of 2005 to which it relates.

TITLE IV—REVENUE PROVISIONS

SEC. 401. NONQUALIFIED DEFERRED COMPENSATION FROM CERTAIN TAX INDIFFERENT PARTIES.

(a) IN GENERAL.—Subpart B of part II of subchapter E of chapter 1 is amended by inserting after section 457 the following new section:

''SEC. 457A. NONQUALIFIED DEFERRED COMPENSATION FROM CERTAIN TAX INDIFFERENT PARTIES.

''(a) IN GENERAL.—Any compensation which is deferred under a nonqualified deferred compensation plan of a nonqualified entity shall be includible in gross income when there is no substantial risk of forfeiture of the rights to such compensation.

''(b) NONQUALIFIED ENTITY.—For purposes of this section, the term 'nonqualified entity' means—

''(1) any foreign corporation unless substantially all of its income is—

''(A) effectively connected with the conduct of a trade or business in the United States, or

''(B) subject to a comprehensive foreign income tax, and

''(2) any partnership unless substantially all of its income is allocated to persons other than—

''(A) foreign persons with respect to whom such income is not subject to a comprehensive foreign income tax, and

''(B) organizations which are exempt from tax under this title.

''(c) DETERMINABILITY OF AMOUNTS OF COMPENSATION.—

''(1) IN GENERAL.—If the amount of any compensation is not determinable at the time that such compensation is otherwise includible in gross income under subsection (a)—

''(A) such amount shall be so includible in gross income when determinable, and

''(B) the tax imposed under this chapter for the taxable year in which such compensation is includible in gross income shall be increased by the sum of—

''(i) the amount of interest determined under paragraph (2), and

''(ii) an amount equal to 20 percent of the amount of such compensation.

''(2) INTEREST.—For purposes of paragraph (1)(B)(i), the interest determined under this paragraph for any taxable year is the amount of interest at the underpayment rate

under section 6621 plus 1 percentage point on the underpayments that would have occurred had the deferred compensation been includible in gross income for the taxable year in which first deferred or, if later, the first taxable year in which such deferred compensation is not subject to a substantial risk of forfeiture.

''(d) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) SUBSTANTIAL RISK OF FORFEITURE.—

''(A) IN GENERAL.—The rights of a person to compensation shall be treated as subject to a substantial risk of forfeiture only if such person's rights to such compensation are conditioned upon the future performance of substantial services by any individual.

''(B) EXCEPTION FOR COMPENSATION BASED ON GAIN RECOGNIZED ON AN INVESTMENT ASSET.—

''(i) IN GENERAL.—To the extent provided in regulations prescribed by the Secretary, if compensation is determined solely by reference to the amount of gain recognized on the disposition of an investment asset, such compensation shall be treated as subject to a substantial risk of forfeiture until the date of such disposition.

''(ii) INVESTMENT ASSET.—For purposes of clause (i), the term 'investment asset' means any single asset (other than an investment fund or similar entity)—

''(I) acquired directly by an investment fund or similar entity,

''(II) with respect to which such entity does not (nor does any person related to such entity) participate in the active management of such asset (or if such asset is an interest in an entity, in the active management of the activities of such entity), and

''(III) substantially all of any gain on the disposition of which (other than such deferred compensation) is allocated to investors in such entity.

''(iii) COORDINATION WITH SPECIAL RULE.—Paragraph (3)(B) shall not apply to any compensation to which clause (i) applies.

''(2) COMPREHENSIVE FOREIGN INCOME TAX.—The term 'comprehensive foreign income tax' means, with respect to any foreign person, the income tax of a foreign country if—

''(A) such person is eligible for the benefits of a comprehensive income tax treaty between such foreign country and the United States, or

''(B) such person demonstrates to the satisfaction of the Secretary that such foreign country has a comprehensive income tax.

''(3) NONQUALIFIED DEFERRED COMPENSATION PLAN.—

''(A) IN GENERAL.—The term 'nonqualified deferred compensation plan' has the meaning given such term under section 409A(d), except that such term shall include any plan that provides a right to compensation based on the appreciation in value of a specified number of equity units of the service recipient.

''(B) EXCEPTION.—Compensation shall not be treated as deferred for purposes of this section if the service provider receives payment of such compensation not later than 12 months after the end of the taxable year of the service recipient during which the right to the payment of such compensation is no longer subject to a substantial risk of forfeiture.

''(4) EXCEPTION FOR CERTAIN COMPENSATION WITH RESPECT TO EFFECTIVELY CONNECTED INCOME.—In the case a foreign corporation with income which is taxable under section 882, this section shall not apply to compensation which, had such compensation had been paid in cash on the date that such compensation ceased to be subject to a substantial risk of forfeiture, would have been deductible by such foreign corporation against such income.

''(5) APPLICATION OF RULES.—Rules similar to the rules of paragraphs (5) and (6) of section 409A(d) shall apply.

''(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including regulations disregarding a substantial risk of forfeiture in cases where necessary to carry out the purposes of this section.''.

(b) CONFORMING AMENDMENT.—Section 26(b)(2) is amended by striking ''and'' at the end of subparagraph (U), by striking the period at the end of subparagraph (V) and inserting '', and'', and by adding at the end the following new subparagraph:

''(W) section 457A(c)(1)(B) (relating to determinability of amounts of compensation).''.

(c) CLERICAL AMENDMENT.—The table of sections of subpart B of part II of subchapter E of chapter 1 is amended by inserting after the item relating to section 457 the following new item:

''Sec. 457A. Nonqualified deferred compensation from certain tax indifferent parties.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to amounts deferred which are attributable to services performed after December 31, 2008.

(2) APPLICATION TO EXISTING DEFERRALS.—In the case of any amount deferred to which the amendments made by this section do not apply solely by reason of the fact that the amount is attributable to services performed before January 1, 2009, to the extent such amount is not includible in gross income in a taxable year beginning before 2018, such amounts shall be includible in gross income in the later of—

(A) the last taxable year beginning before 2018, or

(B) the taxable year in which there is no substantial risk of forfeiture of the rights to such compensation (determined in the same manner as determined for purposes of section 457A of the Internal Revenue Code of 1986, as added by this section).

(3) CHARITABLE CONTRIBUTIONS OF EXISTING DEFERRALS PERMITTED.—

(A) IN GENERAL.—Notwithstanding section 170(b) of the Internal Revenue Code of 1986, any qualified contribution shall be allowed as a deduction under section 170 of such Code for the taxpayer's last taxable year beginning before 2018 to the extent the aggregate of such contributions made during such taxable year does not exceed the excess of the qualified inclusion amount over the amount of the deduction for all other charitable contributions allowable under section 170 of such Code for such taxable year. Proper adjustments shall be made under section 170(d) to take account of the preceding sentence.

(B) QUALIFIED CONTRIBUTION.—For purposes of this paragraph, the term ''qualified contribution'' means any charitable contribution (as defined in section 170(c) of such Code) made during taxpayer's last taxable year beginning before 2018 if such contribution is paid in cash to an organization described in section 170(b)(1)(A) of such Code (other than any organization described in section 509(a)(3) of such Code or any fund or account described in section 4966(d)(2) of such Code).

(C) QUALIFIED INCLUSION AMOUNT.—For purposes of this paragraph, the term ''qualified inclusion amount'' means the amount includible in the taxpayer's gross income for the last taxable year beginning before 2018 by reason of paragraph (2).

(4) ACCELERATED PAYMENTS.—No later than 120 days after the date of the enactment of this Act, the Secretary shall issue guidance providing a limited period of time during which a nonqualified deferred compensation arrangement attributable to services performed on or before December 31, 2008, may, without violating the requirements of section 409A(a) of the Internal Revenue Code of 1986, be amended to conform the date of distribution to the date the amounts are required to be included in income.

(5) CERTAIN BACK-TO-BACK ARRANGEMENTS.—If the taxpayer is also a service recipient and maintains one or more nonqualified deferred compensation arrangements for its service providers under which any amount is attributable to services performed on or before December 31, 2008, the guidance issued under paragraph (4) shall permit such arrangements to be amended to conform the dates of distribution under such arrangement to the date amounts are required to be included in the income of such taxpayer under this subsection.

(6) ACCELERATED PAYMENT NOT TREATED AS MATERIAL MODIFICATION.—Any amendment to a nonqualified deferred compensation arrangement made pursuant to paragraph (4) or (5) shall not be treated as a material modification of the arrangement for purposes of section 409A of the Internal Revenue Code of 1986.

SEC. 402. DELAY IN APPLICATION OF WORLDWIDE ALLOCATION OF INTEREST.

(a) IN GENERAL.—Paragraphs (5)(D) and (6) of section 864(f) are each amended by striking ''December 31, 2008'' and inserting ''December 31, 2018''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 403. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

(a) REPEAL OF ADJUSTMENT FOR 2012.—Subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking the percentage contained therein and inserting ''100 percent''.

(b) MODIFICATION OF ADJUSTMENT FOR 2013.—The percentage under subparagraph (C) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 in effect on the date of the enactment of this Act is increased by 36.75 percentage points.

The SPEAKER pro tempore. Pursuant to House Resolution 1212, the amendment in the nature of a substitute printed in the bill is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 6049

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

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Renewable Energy and Job Creation Act of 2008''.

(b) REFERENCE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

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Sec. 101. Renewable energy credit.

Sec. 102. Production credit for electricity produced from marine renewables.
Sec. 103. Energy credit.
Sec. 104. Credit for residential energy efficient property.
Sec. 105. Special rule to implement FERC and State electric restructuring policy.
Sec. 106. New clean renewable energy bonds.
PART II—CARBON MITIGATION PROVISIONS
Sec. 111. Expansion and modification of advanced coal project investment credit.
Sec. 112. Expansion and modification of coal gasification investment credit.
Sec. 113. Temporary increase in coal excise tax.
Sec. 114. Special rules for refund of the coal excise tax to certain coal producers and exporters.
Sec. 115. Carbon audit of the tax code.
Subtitle B—Transportation and Domestic Fuel Security Provisions
Sec. 121. Inclusion of cellulosic biofuel in bonus depreciation for biomass ethanol plant property.
Sec. 122. Credits for biodiesel and renewable diesel.
Sec. 123. Clarification that credits for fuel are designed to provide an incentive for United States production.
Sec. 124. Credit for new qualified plug-in electric drive motor vehicles.
Sec. 125. Exclusion from heavy truck tax for idling reduction units and advanced insulation.
Sec. 126. Restructuring of New York Liberty Zone tax credits.
Sec. 127. Transportation fringe benefit to bicycle commuters.
Sec. 128. Alternative fuel vehicle refueling property credit.
Subtitle C—Energy Conservation and Efficiency Provisions
Sec. 141. Qualified energy conservation bonds.
Sec. 142. Credit for nonbusiness energy property.
Sec. 143. Energy efficient commercial buildings deduction.
Sec. 144. Modifications of energy efficient appliance credit for appliances produced after 2007.
Sec. 145. Accelerated recovery period for depreciation of smart meters and smart grid systems.
Sec. 146. Qualified green building and sustainable design projects.
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Subtitle A—Extensions Primarily Affecting Individuals
Sec. 201. Deduction for State and local sales taxes.
Sec. 202. Deduction of qualified tuition and related expenses.
Sec. 203. Treatment of certain dividends of regulated investment companies.
Sec. 204. Tax-free distributions from individual retirement plans for charitable purposes.
Sec. 205. Deduction for certain expenses of elementary and secondary school teachers.
Sec. 206. Election to include combat pay as earned income for purposes of earned income tax credit.
Sec. 207. Modification of mortgage revenue bonds for veterans.
Sec. 208. Distributions from retirement plans to individuals called to active duty.
Sec. 209. Stock in RIC for purposes of determining estates of nonresidents not citizens.
Sec. 210. Qualified investment entities.
Sec. 211. Exclusion of amounts received under qualified group legal services plans.
Subtitle B—Extensions Primarily Affecting Businesses
Sec. 221. Research credit.
Sec. 222. Indian employment credit.
Sec. 223. New markets tax credit.
Sec. 224. Railroad track maintenance.
Sec. 225. Fifteen-year straight-line cost recovery for qualified leasehold improvements and qualified restaurant property.
Sec. 226. Seven-year cost recovery period for motorsports racing track facility.
Sec. 227. Accelerated depreciation for business property on Indian reservation.
Sec. 228. Expensing of environmental remediation costs.
Sec. 229. Deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.
Sec. 230. Modification of tax treatment of certain payments to controlling exempt organizations.
Sec. 231. Qualified zone academy bonds.
Sec. 232. Tax incentives for investment in the District of Columbia.
Sec. 233. Economic development credit for American Samoa.
Sec. 234. Enhanced charitable deduction for contributions of food inventory.
Sec. 235. Enhanced charitable deduction for contributions of book inventory to public schools.
Sec. 236. Enhanced deduction for qualified computer contributions.
Sec. 237. Basis adjustment to stock of S corporations making charitable contributions of property.
Sec. 238. Work opportunity tax credit for Hurricane Katrina employees.
Sec. 239. Subpart F exception for active financing income.
Sec. 240. Look-thru rule for related controlled foreign corporations.
Sec. 241. Expensing for certain qualified film and television productions.
Subtitle C—Other Extensions
Sec. 251. Authority to disclose information related to terrorist activities made permanent.
Sec. 252. Authority for undercover operations made permanent.
Sec. 253. Authority to disclose return information for certain veterans programs made permanent.
Sec. 254. Increase in limit on cover over of rum excise tax to Puerto Rico and the Virgin Islands.
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Sec. 303. Increase of AMT refundable credit amount for individuals with long-term unused credits for prior year minimum tax liability, etc.
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Sec. 311. Uniform treatment of attorney-advanced expenses and court costs in contingency fee cases.
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Sec. 321. Modification of penalty on understatement of taxpayer's liability by tax return preparer.
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Sec. 331. Certain GO Zone incentives.
TITLE IV—REVENUE PROVISIONS
Sec. 401. Nonqualified deferred compensation from certain tax indifferent parties.
Sec. 402. Delay in application of worldwide allocation of interest.
Sec. 403. Time for payment of corporate estimated taxes.

TITLE I—ENERGY TAX INCENTIVES

Subtitle A—Energy Production Incentives

PART I—RENEWABLE ENERGY INCENTIVES

SEC. 101. RENEWABLE ENERGY CREDIT.

(a) EXTENSION OF CREDIT.—

(1) 1-YEAR EXTENSION FOR WIND FACILITIES.—Paragraph (1) of section 45(d) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

(2) 3-YEAR EXTENSION FOR CERTAIN OTHER FACILITIES.—Each of the following provisions of section 45(d) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2012'':

(A) Clauses (i) and (ii) of paragraph (2)(A).
(B) Clauses (i)(I) and (ii) of paragraph (3)(A).
(C) Paragraph (4).
(D) Paragraph (5).
(E) Paragraph (6).
(F) Paragraph (7).
(G) Subparagraphs (A) and (B) of paragraph (9).

(b) MODIFICATION OF CREDIT PHASEOUT.—

(1) REPEAL OF PHASEOUT.—Subsection (b) of section 45 is amended—

(A) by striking paragraph (1), and

(B) by striking ''the 8 cent amount in paragraph (1),'' in paragraph (2) thereof.

(2) LIMITATION BASED ON INVESTMENT IN FACILITY.—Subsection (b) of section 45 is amended by inserting before paragraph (2) the following new paragraph:

''(1) LIMITATION BASED ON INVESTMENT IN FACILITY.—

''(A) IN GENERAL.—In the case of any qualified facility originally placed in service after December 31, 2009, the amount of the credit determined under subsection (a) for any taxable year with respect to electricity produced at such facility shall not exceed the product of—

''(i) the applicable percentage with respect to such facility, multiplied by

''(ii) the eligible basis of such facility.

''(B) CARRYFORWARD OF UNUSED LIMITATION AND EXCESS CREDIT.—

''(i) UNUSED LIMITATION.—If the limitation imposed under subparagraph (A) with respect to any facility for any taxable year exceeds the prelimitation credit for such facility for such taxable year, the limitation imposed under subparagraph (A) with respect to such facility for the succeeding taxable year shall be increased by the amount of such excess.

''(ii) EXCESS CREDIT.—If the prelimitation credit with respect to any facility for any taxable year exceeds the limitation imposed under subparagraph (A) with respect to such facility for such taxable year, the credit determined under subsection (a) with respect to such facility for the succeeding taxable year (determined before the application of subparagraph (A) for such succeeding taxable year) shall be increased by the amount of such excess. With respect to any facility, no amount may be carried forward under this clause to any taxable year beginning after the 10-year period described in subsection (a)(2)(A)(ii) with respect to such facility.

''(iii) PRELIMITATION CREDIT.—The term 'prelimitation credit' with respect to any facility for a taxable year means the credit determined under subsection (a) with respect to such facility for such taxable year, determined without regard to subparagraph (A) and after taking into account any increase for such taxable year under clause (ii).

''(C) APPLICABLE PERCENTAGE.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'applicable percentage' means, with respect to any facility, the

appropriate percentage prescribed by the Secretary for the month in which such facility is originally placed in service.

''(ii) METHOD OF PRESCRIBING APPLICABLE PERCENTAGES.—The applicable percentages prescribed by the Secretary for any month under clause (i) shall be percentages which yield over a 10-year period amounts of limitation under subparagraph (A) which have a present value equal to 35 percent of the eligible basis of the facility.

''(iii) METHOD OF DISCOUNTING.—The present value under clause (ii) shall be determined—

''(I) as of the last day of the 1st year of the 10-year period referred to in clause (ii),

''(II) by using a discount rate equal to the greater of 110 percent of the Federal long-term rate as in effect under section 1274(d) for the month preceding the month for which the applicable percentage is being prescribed, or 4.5 percent, and

''(III) by taking into account the limitation under subparagraph (A) for any year on the last day of such year.

''(D) ELIGIBLE BASIS.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'eligible basis' means, with respect to any facility, the sum of—

''(I) the basis of such facility determined as of the time that such facility is originally placed in service, and

''(II) the portion of the basis of any shared qualified property which is properly allocable to such facility under clause (ii).

''(ii) RULES FOR ALLOCATION.—For purposes of subclause (II) of clause (i), the basis of shared qualified property shall be allocated among all qualified facilities which are projected to be placed in service and which require utilization of such property in proportion to projected generation from such facilities.

''(iii) SHARED QUALIFIED PROPERTY.—For purposes of this paragraph, the term 'shared qualified property' means, with respect to any facility, any property described in section 168(e)(3)(B)(vi)—

''(I) which a qualified facility will require for utilization of such facility, and

''(II) which is not a qualified facility.

''(iv) SPECIAL RULE RELATING TO GEOTHERMAL FACILITIES.—In the case of any qualified facility using geothermal energy to produce electricity, the basis of such facility for purposes of this paragraph shall be determined as though intangible drilling and development costs described in section 263(c) were capitalized rather than expensed.

''(E) SPECIAL RULE FOR FIRST AND LAST YEAR OF CREDIT PERIOD.—In the case of any taxable year any portion of which is not within the 10-year period described in subsection (a)(2)(A)(ii) with respect to any facility, the amount of the limitation under subparagraph (A) with respect to such facility shall be reduced by an amount which bears the same ratio to the amount of such limitation (determined without regard to this subparagraph) as such portion of the taxable year which is not within such period bears to the entire taxable year.

''(F) ELECTION TO TREAT ALL FACILITIES PLACED IN SERVICE IN A YEAR AS 1 FACILITY.—At the election of the taxpayer, all qualified facilities which are part of the same project and which are placed in service during the same calendar year shall be treated for purposes of this section as 1 facility which is placed in service at the mid-point of such year or the first day of the following calendar year.''.

(c) TRASH FACILITY CLARIFICATION.—Paragraph (7) of section 45(d) is amended—

(1) by striking ''facility which burns'' and inserting ''facility (other than a facility described in paragraph (6)) which uses'', and

(2) by striking ''COMBUSTION''.

(d) EXPANSION OF BIOMASS FACILITIES.—

(1) OPEN-LOOP BIOMASS FACILITIES.—Paragraph (3) of section 45(d) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

''(B) EXPANSION OF FACILITY.—Such term shall include a new unit placed in service after the date of the enactment of this subparagraph in connection with a facility described in subparagraph (A), but only to the extent of the increased amount of electricity produced at the facility by reason of such new unit.''.

(2) CLOSED-LOOP BIOMASS FACILITIES.—Paragraph (2) of section 45(d) is amended by redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following new subparagraph:

''(B) EXPANSION OF FACILITY.—Such term shall include a new unit placed in service after the date of the enactment of this subparagraph in connection with a facility described in subparagraph (A)(i), but only to the extent of the increased amount of electricity produced at the facility by reason of such new unit.''.

(e) SALES OF NET ELECTRICITY TO REGULATED PUBLIC UTILITIES TREATED AS SALES TO UNRELATED PERSONS.—Paragraph (4) of section 45(e) is amended by adding at the end the following new sentence: ''The net amount of electricity sold by any taxpayer to a regulated public utility (as defined in section 7701(a)(33)) shall be treated as sold to an unrelated person.''.

(f) MODIFICATION OF RULES FOR HYDROPOWER PRODUCTION.—Subparagraph (C) of section 45(c)(8) is amended to read as follows:

''(C) NONHYDROELECTRIC DAM.—For purposes of subparagraph (A), a facility is described in this subparagraph if—

''(i) the hydroelectric project installed on the nonhydroelectric dam is licensed by the Federal Energy Regulatory Commission and meets all other applicable environmental, licensing, and regulatory requirements,

''(ii) the nonhydroelectric dam was placed in service before the date of the enactment of this paragraph and operated for flood control, navigation, or water supply purposes and did not produce hydroelectric power on the date of the enactment of this paragraph, and

''(iii) the hydroelectric project is operated so that the water surface elevation at any given location and time that would have occurred in the absence of the hydroelectric project is maintained, subject to any license requirements imposed under applicable law that change the water surface elevation for the purpose of improving environmental quality of the affected waterway.

The Secretary, in consultation with the Federal Energy Regulatory Commission, shall certify if a hydroelectric project licensed at a nonhydroelectric dam meets the criteria in clause (iii). Nothing in this section shall affect the standards under which the Federal Energy Regulatory Commission issues licenses for and regulates hydropower projects under part I of the Federal Power Act.''.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to property originally placed in service after December 31, 2008.

(2) REPEAL OF CREDIT PHASEOUT.—The amendments made by subsection (b)(1) shall apply to taxable years ending after December 31, 2008.

(3) LIMITATION BASED ON INVESTMENT IN FACILITY.—The amendment made by subsection (b)(2) shall apply to property originally placed in service after December 31, 2009.

(4) TRASH FACILITY CLARIFICATION; SALES TO RELATED REGULATED PUBLIC UTILITIES.—The amendments made by subsections (c) and (e) shall apply to electricity produced and sold after the date of the enactment of this Act.

(5) EXPANSION OF BIOMASS FACILITIES.—The amendments made by subsection (d) shall apply to property placed in service after the date of the enactment of this Act.

SEC. 102. PRODUCTION CREDIT FOR ELECTRICITY PRODUCED FROM MARINE RENEWABLES.

(a) IN GENERAL.—Paragraph (1) of section 45(c) is amended by striking ''and'' at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting '', and'', and by adding at the end the following new subparagraph:

''(I) marine and hydrokinetic renewable energy.''.

(b) MARINE RENEWABLES.—Subsection (c) of section 45 is amended by adding at the end the following new paragraph:

''(10) MARINE AND HYDROKINETIC RENEWABLE ENERGY.—

''(A) IN GENERAL.—The term 'marine and hydrokinetic renewable energy' means energy derived from—

''(i) waves, tides, and currents in oceans, estuaries, and tidal areas,

''(ii) free flowing water in rivers, lakes, and streams,

''(iii) free flowing water in an irrigation system, canal, or other man-made channel, including projects that utilize nonmechanical structures to accelerate the flow of water for electric power production purposes, or

''(iv) differentials in ocean temperature (ocean thermal energy conversion).

''(B) EXCEPTIONS.—Such term shall not include any energy which is derived from any source which utilizes a dam, diversionary structure (except as provided in subparagraph (A)(iii)), or impoundment for electric power production purposes.''.

(c) DEFINITION OF FACILITY.—Subsection (d) of section 45 is amended by adding at the end the following new paragraph:

''(11) MARINE AND HYDROKINETIC RENEWABLE ENERGY FACILITIES.—In the case of a facility producing electricity from marine and hydrokinetic renewable energy, the term 'qualified facility' means any facility owned by the taxpayer—

''(A) which has a nameplate capacity rating of at least 150 kilowatts, and

''(B) which is originally placed in service on or after the date of the enactment of this paragraph and before January 1, 2012.''.

(d) CREDIT RATE.—Subparagraph (A) of section 45(b)(4) is amended by striking ''or (9)'' and inserting ''(9), or (11)''.

(e) COORDINATION WITH SMALL IRRIGATION POWER.—Paragraph (5) of section 45(d), as amended by section 101, is amended by striking ''January 1, 2012'' and inserting ''the date of the enactment of paragraph (11)''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to electricity produced and sold after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 103. ENERGY CREDIT.

(a) EXTENSION OF CREDIT.—

(1) SOLAR ENERGY PROPERTY.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 48(a) are each amended by striking ''January 1, 2009'' and inserting ''January 1, 2015''.

(2) FUEL CELL PROPERTY.—Subparagraph (E) of section 48(c)(1) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2014''.

(3) MICROTURBINE PROPERTY.—Subparagraph (E) of section 48(c)(2) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2014''.

(b) ALLOWANCE OF ENERGY CREDIT AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4) is amended by striking ''and'' at the end of clause (iii), by redesignating clause (iv) as clause (v), and by inserting after clause (iii) the following new clause:

''(iv) the credit determined under section 46 to the extent that such credit is attributable to the energy credit determined under section 48, and''.

(c) ENERGY CREDIT FOR COMBINED HEAT AND POWER SYSTEM PROPERTY.—

(1) IN GENERAL.—Section 48(a)(3)(A) (defining energy property) is amended by striking ''or'' at the end of clause (iii), by inserting ''or'' at the end of clause (iv), and by adding at the end the following new clause:

''(v) combined heat and power system property,''.

(2) COMBINED HEAT AND POWER SYSTEM PROPERTY.—Section 48 is amended by adding at the end the following new subsection:

''(d) COMBINED HEAT AND POWER SYSTEM PROPERTY.—For purposes of subsection (a)(3)(A)(v)—

''(1) COMBINED HEAT AND POWER SYSTEM PROPERTY.—The term 'combined heat and power system property' means property comprising a system—

''(A) which uses the same energy source for the simultaneous or sequential generation of electrical power, mechanical shaft power, or both, in combination with the generation of steam or other forms of useful thermal energy (including heating and cooling applications),

''(B) which produces—

''(i) at least 20 percent of its total useful energy in the form of thermal energy which is not used to produce electrical or mechanical power (or combination thereof), and

''(ii) at least 20 percent of its total useful energy in the form of electrical or mechanical power (or combination thereof),

''(C) the energy efficiency percentage of which exceeds 60 percent, and

''(D) which is placed in service before January 1, 2015.

''(2) LIMITATION.—

''(A) IN GENERAL.—In the case of combined heat and power system property with an electrical capacity in excess of the applicable capacity placed in service during the taxable year, the credit under subsection (a)(1) (determined without regard to this paragraph) for such year shall be equal to the amount which bears the same ratio to such credit as the applicable capacity bears to the capacity of such property.

''(B) APPLICABLE CAPACITY.—For purposes of subparagraph (A), the term 'applicable capacity' means 15 megawatts or a mechanical energy capacity of more than 20,000 horsepower or an equivalent combination of electrical and mechanical energy capacities.

''(C) MAXIMUM CAPACITY.—The term 'combined heat and power system property' shall not include any property comprising a system if such system has a capacity in excess of 50 megawatts or a mechanical energy capacity in excess of 67,000 horsepower or an equivalent combination of electrical and mechanical energy capacities.

''(3) SPECIAL RULES.—

''(A) ENERGY EFFICIENCY PERCENTAGE.—For purposes of this subsection, the energy efficiency percentage of a system is the fraction—

''(i) the numerator of which is the total useful electrical, thermal, and mechanical power produced by the system at normal operating rates, and expected to be consumed in its normal application, and

''(ii) the denominator of which is the lower heating value of the fuel sources for the system.

''(B) DETERMINATIONS MADE ON BTU BASIS.—The energy efficiency percentage and the percentages under paragraph (1)(B) shall be determined on a Btu basis.

''(C) INPUT AND OUTPUT PROPERTY NOT INCLUDED.—The term 'combined heat and power system property' does not include property used to transport the energy source to the facility or to distribute energy produced by the facility.

''(4) SYSTEMS USING BIOMASS.—If a system is designed to use biomass (within the meaning of paragraphs (2) and (3) of section 45(c) without regard to the last sentence of paragraph (3)(A)) for at least 90 percent of the energy source—

''(A) paragraph (1)(C) shall not apply, but

''(B) the amount of credit determined under subsection (a) with respect to such system shall not exceed the amount which bears the same ratio to such amount of credit (determined without regard to this paragraph) as the energy efficiency percentage of such system bears to 60 percent.''.

(d) INCREASE OF CREDIT LIMITATION FOR FUEL CELL PROPERTY.—Subparagraph (B) of section 48(c)(1) is amended by striking ''$500'' and inserting ''$1,500''.

(e) PUBLIC UTILITY PROPERTY TAKEN INTO ACCOUNT.—

(1) IN GENERAL.—Paragraph (3) of section 48(a) is amended by striking the second sentence thereof.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 48(c) is amended by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

(B) Paragraph (2) of section 48(c) is amended by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—The amendments made by subsection (b) shall apply to credits determined under section 46 of the Internal Revenue Code of 1986 in taxable years beginning after the date of the enactment of this Act and to carrybacks of such credits.

(3) COMBINED HEAT AND POWER AND FUEL CELL PROPERTY.—The amendments made by subsections (c) and (d) shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

(4) PUBLIC UTILITY PROPERTY.—The amendments made by subsection (e) shall apply to periods after February 13, 2008, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 104. CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY.

(a) EXTENSION.—Section 25D(g) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2014''.

(b) MAXIMUM CREDIT FOR SOLAR ELECTRIC PROPERTY.—

(1) IN GENERAL.—Section 25D(b)(1)(A) is amended by striking ''$2,000'' and inserting ''$4,000''.

(2) CONFORMING AMENDMENT.—Section 25D(e)(4)(A)(i) is amended by striking ''$6,667'' and inserting ''$13,333''.

(c) CREDIT FOR RESIDENTIAL WIND PROPERTY.—

(1) IN GENERAL.—Section 25D(a) is amended by striking ''and'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting '', and'', and by adding at the end the following new paragraph:

''(4) 30 percent of the qualified small wind energy property expenditures made by the taxpayer during such year.''.

(2) LIMITATION.—Section 25D(b)(1) is amended by striking ''and'' at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting '', and'', and by adding at the end the following new subparagraph:

''(D) $500 with respect to each half kilowatt of capacity (not to exceed $4,000) of wind turbines for which qualified small wind energy property expenditures are made.''.

(3) QUALIFIED SMALL WIND ENERGY PROPERTY EXPENDITURES.—

(A) IN GENERAL.—Section 25D(d) is amended by adding at the end the following new paragraph:

''(4) QUALIFIED SMALL WIND ENERGY PROPERTY EXPENDITURE.—The term 'qualified small wind energy property expenditure' means an expenditure for property which uses a wind turbine to generate electricity for use in connection with a dwelling unit located in the United States and used as a residence by the taxpayer.''.

(B) NO DOUBLE BENEFIT.—Section 45(d)(1) is amended by adding at the end the following new sentence: ''Such term shall not include any facility with respect to which any qualified small wind energy property expenditure (as defined in subsection (d)(4) of section 25D) is taken into account in determining the credit under such section.''.

(4) MAXIMUM EXPENDITURES IN CASE OF JOINT OCCUPANCY.—Section 25D(e)(4)(A) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end the following new clause:

''(iv) $1,667 in the case of each half kilowatt of capacity (not to exceed $13,333) of wind turbines for which qualified small wind energy property expenditures are made.''.

(d) CREDIT FOR GEOTHERMAL HEAT PUMP SYSTEMS.—

(1) IN GENERAL.—Section 25D(a), as amended by subsection (c), is amended by striking ''and'' at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting '', and'', and by adding at the end the following new paragraph:

''(5) 30 percent of the qualified geothermal heat pump property expenditures made by the taxpayer during such year.''.

(2) LIMITATION.—Section 25D(b)(1), as amended by subsection (c), is amended by striking ''and'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting '', and'', and by adding at the end the following new subparagraph:

''(E) $2,000 with respect to any qualified geothermal heat pump property expenditures.''.

(3) QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY EXPENDITURE.—Section 25D(d), as amended by subsection (c), is amended by adding at the end the following new paragraph:

''(5) QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY EXPENDITURE.—

''(A) IN GENERAL.—The term 'qualified geothermal heat pump property expenditure' means an expenditure for qualified geothermal heat pump property installed on or in connection with a dwelling unit located in the United States and used as a residence by the taxpayer.

''(B) QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY.—The term 'qualified geothermal heat pump property' means any equipment which—

''(i) uses the ground or ground water as a thermal energy source to heat the dwelling unit referred to in subparagraph (A) or as a thermal energy sink to cool such dwelling unit, and

''(ii) meets the requirements of the Energy Star program which are in effect at the time that the expenditure for such equipment is made.''.

(4) MAXIMUM EXPENDITURES IN CASE OF JOINT OCCUPANCY.—Section 25D(e)(4)(A), as amended by subsection (c), is amended by striking ''and'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', and'', and by adding at the end the following new clause:

''(v) $6,667 in the case of any qualified geothermal heat pump property expenditures.''.

(e) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Subsection (c) of section 25D is amended to read as follows:

''(c) LIMITATION BASED ON AMOUNT OF TAX; CARRYFORWARD OF UNUSED CREDIT.—

''(1) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this subpart (other than this section) and section 27 for the taxable year.

''(2) CARRYFORWARD OF UNUSED CREDIT.—

''(A) RULE FOR YEARS IN WHICH ALL PERSONAL CREDITS ALLOWED AGAINST REGULAR AND ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) applies, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(2) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.

''(B) RULE FOR OTHER YEARS.—In the case of a taxable year to which section 26(a)(2) does not apply, if the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 23(b)(4)(B) is amended by inserting ''and section 25D'' after ''this section''.

(B) Section 24(b)(3)(B) is amended by striking ''and 25B'' and inserting '', 25B, and 25D''.

(C) Section 25B(g)(2) is amended by striking ''section 23'' and inserting ''sections 23 and 25D''.

(D) Section 26(a)(1) is amended by striking ''and 25B'' and inserting ''25B, and 25D''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

(2) APPLICATION OF EGTRRA SUNSET.—The amendments made by subparagraphs (A) and (B) of subsection (e)(2) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provisions of such Act to which such amendments relate.

SEC. 105. SPECIAL RULE TO IMPLEMENT FERC AND STATE ELECTRIC RESTRUCTURING POLICY.

(a) EXTENSION FOR QUALIFIED ELECTRIC UTILITIES.—

(1) IN GENERAL.—Paragraph (3) of section 451(i) is amended by inserting ''(before January 1, 2010, in the case of a qualified electric utility)'' after ''January 1, 2008''.

(2) QUALIFIED ELECTRIC UTILITY.—Subsection (i) of section 451 is amended by redesignating paragraphs (6) through (10) as paragraphs (7) through (11), respectively, and by inserting after paragraph (5) the following new paragraph:

''(6) QUALIFIED ELECTRIC UTILITY.—For purposes of this subsection, the term 'qualified electric utility' means a person that, as of the date of the qualifying electric transmission transaction, is vertically integrated, in that it is both—

''(A) a transmitting utility (as defined in section 3(23) of the Federal Power Act (16 U.S.C. 796(23))) with respect to the transmission facilities to which the election under this subsection applies, and

''(B) an electric utility (as defined in section 3(22) of the Federal Power Act (16 U.S.C. 796(22))).''.

(b) EXTENSION OF PERIOD FOR TRANSFER OF OPERATIONAL CONTROL AUTHORIZED BY FERC.—Clause (ii) of section 451(i)(4)(B) is amended by striking ''December 31, 2007'' and inserting ''the date which is 4 years after the close of the taxable year in which the transaction occurs''.

(c) PROPERTY LOCATED OUTSIDE THE UNITED STATES NOT TREATED AS EXEMPT UTILITY PROPERTY.—Paragraph (5) of section 451(i) is amended by adding at the end the following new subparagraph:

''(C) EXCEPTION FOR PROPERTY LOCATED OUTSIDE THE UNITED STATES.—The term 'exempt utility property' shall not include any property which is located outside the United States.''.

(d) EFFECTIVE DATES.—

(1) EXTENSION.—The amendments made by subsection (a) shall apply to transactions after December 31, 2007.

(2) TRANSFERS OF OPERATIONAL CONTROL.—The amendment made by subsection (b) shall take effect as if included in section 909 of the American Jobs Creation Act of 2004.

(3) EXCEPTION FOR PROPERTY LOCATED OUTSIDE THE UNITED STATES.—The amendment made by subsection (c) shall apply to transactions after the date of the enactment of this Act.

SEC. 106. NEW CLEAN RENEWABLE ENERGY BONDS.

(a) IN GENERAL.—Part IV of subchapter A of chapter 1 is amended by adding at the end the following new subpart:

''Subpart I—Qualified Tax Credit Bonds

''Sec. 54A. Credit to holders of qualified tax credit bonds.

''Sec. 54B. New clean renewable energy bonds.

''SEC. 54A. CREDIT TO HOLDERS OF QUALIFIED TAX CREDIT BONDS.

''(a) ALLOWANCE OF CREDIT.—If a taxpayer holds a qualified tax credit bond on one or more credit allowance dates of the bond during any taxable year, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to such dates.

''(b) AMOUNT OF CREDIT.—

''(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any credit allowance date for a qualified tax credit bond is 25 percent of the annual credit determined with respect to such bond.

''(2) ANNUAL CREDIT.—The annual credit determined with respect to any qualified tax credit bond is the product of—

''(A) the applicable credit rate, multiplied by

''(B) the outstanding face amount of the bond.

''(3) APPLICABLE CREDIT RATE.—For purposes of paragraph (2), the applicable credit rate is the rate which the Secretary estimates will permit the issuance of qualified tax credit bonds with a specified maturity or redemption date without discount and without interest cost to the qualified issuer. The applicable credit rate with respect to any qualified tax credit bond shall be determined as of the first day on which there is a binding, written contract for the sale or exchange of the bond.

''(4) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed or matures.

''(c) LIMITATION BASED ON AMOUNT OF TAX.—

''(1) IN GENERAL.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this part (other than subpart C and this subpart).

''(2) CARRYOVER OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year (determined before the application of paragraph (1) for such succeeding taxable year).

''(d) QUALIFIED TAX CREDIT BOND.—For purposes of this section—

''(1) QUALIFIED TAX CREDIT BOND.—The term 'qualified tax credit bond' means a new clean renewable energy bond which is part of an issue that meets the requirements of paragraphs (2), (3), (4), (5), and (6).

''(2) SPECIAL RULES RELATING TO EXPENDITURES.—

''(A) IN GENERAL.—An issue shall be treated as meeting the requirements of this paragraph if, as of the date of issuance, the issuer reasonably expects—

''(i) 100 percent or more of the available project proceeds to be spent for 1 or more qualified purposes within the 3-year period beginning on such date of issuance, and

''(ii) a binding commitment with a third party to spend at least 10 percent of such available project proceeds will be incurred within the 6-month period beginning on such date of issuance.

''(B) FAILURE TO SPEND REQUIRED AMOUNT OF BOND PROCEEDS WITHIN 3 YEARS.—

''(i) IN GENERAL.—To the extent that less than 100 percent of the available project proceeds of the issue are expended by the close of the expenditure period for 1 or more qualified purposes, the issuer shall redeem all of the nonqualified bonds within 90 days after the end of such period. For purposes of this paragraph, the amount of the nonqualified bonds required to be redeemed shall be determined in the same manner as under section 142.

''(ii) EXPENDITURE PERIOD.—For purposes of this subpart, the term 'expenditure period' means, with respect to any issue, the 3-year period beginning on the date of issuance. Such term shall include any extension of such period under clause (iii).

''(iii) EXTENSION OF PERIOD.—Upon submission of a request prior to the expiration of the expenditure period (determined without regard to any extension under this clause), the Secretary may extend such period if the issuer establishes that the failure to expend the proceeds within the original expenditure period is due to reasonable cause and the expenditures for qualified purposes will continue to proceed with due diligence.

''(C) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means a purpose specified in section 54B(a)(1).

''(D) REIMBURSEMENT.—For purposes of this subtitle, available project proceeds of an issue shall be treated as spent for a qualified purpose if such proceeds are used to reimburse the issuer for amounts paid for a qualified purpose after the date that the Secretary makes an allocation of bond limitation with respect to such issue, but only if—

''(i) prior to the payment of the original expenditure, the issuer declared its intent to reimburse such expenditure with the proceeds of a qualified tax credit bond,

''(ii) not later than 60 days after payment of the original expenditure, the issuer adopts an official intent to reimburse the original expenditure with such proceeds, and

''(iii) the reimbursement is made not later than 18 months after the date the original expenditure is paid.

''(3) REPORTING.—An issue shall be treated as meeting the requirements of this paragraph if the issuer of qualified tax credit bonds submits reports similar to the reports required under section 149(e).

''(4) SPECIAL RULES RELATING TO ARBITRAGE.—

''(A) IN GENERAL.—An issue shall be treated as meeting the requirements of this paragraph if the issuer satisfies the requirements of section 148 with respect to the proceeds of the issue.

''(B) SPECIAL RULE FOR INVESTMENTS DURING EXPENDITURE PERIOD.—An issue shall not be treated as failing to meet the requirements of subparagraph (A) by reason of any investment of available project proceeds during the expenditure period.

''(C) SPECIAL RULE FOR RESERVE FUNDS.—An issue shall not be treated as failing to meet the requirements of subparagraph (A) by reason of any fund which is expected to be used to repay such issue if—

''(i) such fund is funded at a rate not more rapid than equal annual installments,

''(ii) such fund is funded in a manner reasonably expected to result in an amount not greater than an amount necessary to repay the issue, and

''(iii) the yield on such fund is not greater than the discount rate determined under paragraph (5)(B) with respect to the issue.

''(5) MATURITY LIMITATION.—

''(A) IN GENERAL.—An issue shall not be treated as meeting the requirements of this paragraph if the maturity of any bond which is part of such issue exceeds the maximum term determined by the Secretary under subparagraph (B).

''(B) MAXIMUM TERM.—During each calendar month, the Secretary shall determine the maximum term permitted under this paragraph for bonds issued during the following calendar month. Such maximum term shall be the term which the Secretary estimates will result in the present value of the obligation to repay the principal on the bond being equal to 50 percent of the face amount of such bond. Such present value shall be determined using as a discount rate the average annual interest rate of tax-exempt obligations having a term of 10 years or more which are issued during the month. If the term as so determined is not a multiple of a whole year, such term shall be rounded to the next highest whole year.

''(6) PROHIBITION ON FINANCIAL CONFLICTS OF INTEREST.—An issue shall be treated as meeting the requirements of this paragraph if the issuer certifies that—

''(A) applicable State and local law requirements governing conflicts of interest are satisfied with respect to such issue, and

''(B) if the Secretary prescribes additional conflicts of interest rules governing the appropriate Members of Congress, Federal, State, and local officials, and their spouses, such additional rules are satisfied with respect to such issue.

''(e) OTHER DEFINITIONS.—For purposes of this subchapter—

''(1) CREDIT ALLOWANCE DATE.—The term 'credit allowance date' means—

''(A) March 15,

''(B) June 15,

''(C) September 15, and

''(D) December 15.

Such term includes the last day on which the bond is outstanding.

''(2) BOND.—The term 'bond' includes any obligation.

''(3) STATE.—The term 'State' includes the District of Columbia and any possession of the United States.

''(4) AVAILABLE PROJECT PROCEEDS.—The term 'available project proceeds' means—

''(A) the excess of—

''(i) the proceeds from the sale of an issue, over

''(ii) the issuance costs financed by the issue (to the extent that such costs do not exceed 2 percent of such proceeds), and

''(B) the proceeds from any investment of the excess described in subparagraph (A).

''(f) CREDIT TREATED AS INTEREST.—For purposes of this subtitle, the credit determined under subsection (a) shall be treated as interest which is includible in gross income.

''(g) S CORPORATIONS AND PARTNERSHIPS.—In the case of a tax credit bond held by an S corporation or partnership, the allocation of the credit allowed by this section to the shareholders of such corporation or partners of such partnership shall be treated as a distribution.

''(h) BONDS HELD BY REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS.—If any qualified tax credit bond is held by a regulated investment company or a real estate investment trust, the credit determined under subsection (a) shall be allowed to shareholders of such company or beneficiaries of such trust (and any gross income included under subsection (f) with respect to such credit shall be treated as distributed to such shareholders or beneficiaries) under procedures prescribed by the Secretary.

''(i) CREDITS MAY BE STRIPPED.—Under regulations prescribed by the Secretary—

''(1) IN GENERAL.—There may be a separation (including at issuance) of the ownership of a qualified tax credit bond and the entitlement to the credit under this section with respect to such bond. In case of any such separation, the credit under this section shall be allowed to the person who on the credit allowance date holds the instrument evidencing the entitlement to the credit and not to the holder of the bond.

''(2) CERTAIN RULES TO APPLY.—In the case of a separation described in paragraph (1), the rules of section 1286 shall apply to the qualified tax credit bond as if it were a stripped bond and to the credit under this section as if it were a stripped coupon.

''SEC. 54B. NEW CLEAN RENEWABLE ENERGY BONDS.

''(a) NEW CLEAN RENEWABLE ENERGY BOND.—For purposes of this subpart, the term 'new clean renewable energy bond' means any bond issued as part of an issue if—

''(1) 100 percent of the available project proceeds of such issue are to be used for capital expenditures incurred by public power providers or cooperative electric companies for one or more qualified renewable energy facilities,

''(2) the bond is issued by a qualified issuer, and

''(3) the issuer designates such bond for purposes of this section.

''(b) REDUCED CREDIT AMOUNT.—The annual credit determined under section 54A(b) with respect to any new clean renewable energy bond shall be 70 percent of the amount so determined without regard to this subsection.

''(c) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

''(1) IN GENERAL.—The maximum aggregate face amount of bonds which may be designated under subsection (a) by any issuer shall not exceed the limitation amount allocated under this subsection to such issuer.

''(2) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national new clean renewable energy bond limitation of $2,000,000,000 which shall be allocated by the Secretary as provided in paragraph (3), except that—

''(A) not more than 33⅓ percent thereof may be allocated to qualified projects of public power providers,

''(B) not more than 33⅓ percent thereof may be allocated to qualified projects of governmental bodies, and

''(C) not more than 33⅓ percent thereof may be allocated to qualified projects of cooperative electric companies.

''(3) METHOD OF ALLOCATION.—

''(A) ALLOCATION AMONG PUBLIC POWER PROVIDERS.—After the Secretary determines the qualified projects of public power providers which are appropriate for receiving an allocation of the national new clean renewable energy bond limitation, the Secretary shall, to the maximum extent practicable, make allocations among such projects in such manner that the amount allocated to each such project bears the same ratio to the cost of such project as the limitation under paragraph (2)(A) bears to the cost of all such projects.

''(B) ALLOCATION AMONG GOVERNMENTAL BODIES AND COOPERATIVE ELECTRIC COMPANIES.—The Secretary shall make allocations of the amount of the national new clean renewable energy bond limitation described in paragraphs (2)(B) and (2)(C) among qualified projects of governmental bodies and cooperative electric companies, respectively, in such manner as the Secretary determines appropriate.

''(d) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED RENEWABLE ENERGY FACILITY.—The term 'qualified renewable energy facility' means a qualified facility (as determined under section 45(d) without regard to paragraphs (8) and (10) thereof and to any placed in service date) owned by a public power provider, a governmental body, or a cooperative electric company.

''(2) PUBLIC POWER PROVIDER.—The term 'public power provider' means a State utility with a service obligation, as such terms are defined in section 217 of the Federal Power Act (as in effect on the date of the enactment of this paragraph).

''(3) GOVERNMENTAL BODY.—The term 'governmental body' means any State or Indian tribal government, or any political subdivision thereof.

''(4) COOPERATIVE ELECTRIC COMPANY.—The term 'cooperative electric company' means a mutual or cooperative electric company described in section 501(c)(12) or section 1381(a)(2)(C).

''(5) CLEAN RENEWABLE ENERGY BOND LENDER.—The term 'clean renewable energy bond lender' means a lender which is a cooperative which is owned by, or has outstanding loans to, 100 or more cooperative electric companies and is in existence on February 1, 2002, and shall include any affiliated entity which is controlled by such lender.

''(6) QUALIFIED ISSUER.—The term 'qualified issuer' means a public power provider, a cooperative electric company, a governmental body, a clean renewable energy bond lender, or a not-for-profit electric utility which has received a loan or loan guarantee under the Rural Electrification Act.''.

(b) REPORTING.—Subsection (d) of section 6049 is amended by adding at the end the following new paragraph:

''(9) REPORTING OF CREDIT ON QUALIFIED TAX CREDIT BONDS.—

''(A) IN GENERAL.—For purposes of subsection (a), the term 'interest' includes amounts includible in gross income under section 54A and such amounts shall be treated as paid on the credit allowance date (as defined in section 54A(e)(1)).

''(B) REPORTING TO CORPORATIONS, ETC.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A) of this paragraph, subsection (b)(4) of this section shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i).

''(C) REGULATORY AUTHORITY.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting.''.

(c) CONFORMING AMENDMENTS.—

(1) Sections 54(c)(2) and 1400N(l)(3)(B) are each amended by striking ''subpart C'' and inserting ''subparts C and I''.

(2) Section 1397E(c)(2) is amended by striking ''subpart H'' and inserting ''subparts H and I''.

(3) Section 6401(b)(1) is amended by striking ''and H'' and inserting ''H, and I''.

(4) The heading of subpart H of part IV of subchapter A of chapter 1 is amended by striking ''***Certain Bonds***'' and inserting ''***Clean Renewable Energy Bonds***''.

(5) The table of subparts for part IV of subchapter A of chapter 1 is amended by striking the item relating to subpart H and inserting the following new items:

''SUBPART H. NONREFUNDABLE CREDIT TO HOLDERS OF CLEAN RENEWABLE ENERGY BONDS.

''SUBPART I. QUALIFIED TAX CREDIT BONDS.''.

(d) APPLICATION OF CERTAIN LABOR STANDARDS ON PROJECTS FINANCED UNDER TAX CREDIT BONDS.—Subchapter IV of chapter 31 of title 40, United States Code, shall apply to projects financed with the proceeds of any tax credit bond (as defined in section 54A of the Internal Revenue Code of 1986).

(e) EFFECTIVE DATES.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

PART II—CARBON MITIGATION PROVISIONS

SEC. 111. EXPANSION AND MODIFICATION OF ADVANCED COAL PROJECT INVESTMENT CREDIT.

(a) MODIFICATION OF CREDIT AMOUNT.—Section 48A(a) is amended by striking ''and'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting '', and'', and by adding at the end the following new paragraph:

''(3) 30 percent of the qualified investment for such taxable year in the case of projects described in clause (iii) of subsection (d)(3)(B).''.

(b) EXPANSION OF AGGREGATE CREDITS.—Section 48A(d)(3)(A) is amended by striking ''$1,300,000,000'' and inserting ''$2,550,000,000''.

(c) AUTHORIZATION OF ADDITIONAL PROJECTS.—

(1) IN GENERAL.—Subparagraph (B) of section 48A(d)(3) is amended to read as follows:

''(B) PARTICULAR PROJECTS.—Of the dollar amount in subparagraph (A), the Secretary is authorized to certify—

''(i) $800,000,000 for integrated gasification combined cycle projects the application for which is submitted during the period described in paragraph (2)(A)(i),

''(ii) $500,000,000 for projects which use other advanced coal-based generation technologies the application for which is submitted during the period described in paragraph (2)(A)(i), and

''(iii) $1,250,000,000 for advanced coal-based generation technology projects the application for which is submitted during the period described in paragraph (2)(A)(ii).''.

(2) APPLICATION PERIOD FOR ADDITIONAL PROJECTS.—Subparagraph (A) of section 48A(d)(2) is amended to read as follows:

''(A) APPLICATION PERIOD.—Each applicant for certification under this paragraph shall submit an application meeting the requirements of subparagraph (B). An applicant may only submit an application—

''(i) for an allocation from the dollar amount specified in clause (i) or (ii) of paragraph (3)(B) during the 3-year period beginning on the date the Secretary establishes the program under paragraph (1), and

''(ii) for an allocation from the dollar amount specified in paragraph (3)(B)(iii) during the 3-year period beginning at the earlier of the termination of the period described in clause (i) or the date prescribed by the Secretary.''.

(3) CAPTURE AND SEQUESTRATION OF CARBON DIOXIDE EMISSIONS REQUIREMENT.—

(A) IN GENERAL.—Section 48A(e)(1) is amended by striking ''and'' at the end of subparagraph (E), by striking the period at the end of subparagraph (F) and inserting ''; and'', and by adding at the end the following new subparagraph:

''(G) in the case of any project the application for which is submitted during the period described in subsection (d)(2)(A)(ii), the project includes equipment which separates and sequesters at least 65 percent (70 percent in the case of an application for reallocated credits under subsection (d)(4)) of such project's total carbon dioxide emissions.''.

(B) HIGHEST PRIORITY FOR PROJECTS WHICH SEQUESTER CARBON DIOXIDE EMISSIONS.—Section 48A(e)(3) is amended by striking ''and'' at the end of subparagraph (A)(iii), by striking the period at the end of subparagraph (B)(iii) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) give highest priority to projects with the greatest separation and sequestration percentage of total carbon dioxide emissions.''.

(C) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—Section 48A is amended by adding at the end the following new subsection:

''(h) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—The Secretary shall provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any project which fails to attain or maintain the separation and sequestration requirements of subsection (e)(1)(G).''.

(4) ADDITIONAL PRIORITY FOR RESEARCH PARTNERSHIPS.—Section 48A(e)(3)(B), as amended by paragraph (3)(B), is amended—

(A) by striking ''and'' at the end of clause (ii),

(B) by redesignating clause (iii) as clause (iv), and

(C) by inserting after clause (ii) the following new clause:

''(iii) applicant participants who have a research partnership with an eligible educational institution (as defined in section 529(e)(5)), and''.

(5) CLERICAL AMENDMENT.—Section 48A(e)(3) is amended by striking ''INTEGRATED GASIFICATION COMBINED CYCLE'' in the heading and inserting ''CERTAIN''.

(d) COMPETITIVE CERTIFICATION AWARDS MODIFICATION AUTHORITY.—Section 48A, as amended by subsection (c)(3), is amended by adding at the end the following new subsection:

''(i) COMPETITIVE CERTIFICATION AWARDS MODIFICATION AUTHORITY.—In implementing this section or section 48B, the Secretary is directed to modify the terms of any competitive certification award and any associated closing agreement where such modification—

''(1) is consistent with the objectives of such section,

''(2) is requested by the recipient of the competitive certification award, and

''(3) involves moving the project site to improve the potential to capture and sequester carbon dioxide emissions, reduce costs of transporting feedstock, and serve a broader customer base,

unless the Secretary determines that the dollar amount of tax credits available to the taxpayer under such section would increase as a result of the modification or such modification would result in such project not being originally certified. In considering any such modification, the Secretary shall consult with other relevant Federal agencies, including the Department of Energy.''.

(e) DISCLOSURE OF ALLOCATIONS.—Section 48A(d) is amended by adding at the end the following new paragraph:

''(5) DISCLOSURE OF ALLOCATIONS.—The Secretary shall, upon making a certification under this subsection or section 48B(d), publicly disclose the identity of the applicant and the amount of the credit certified with respect to such applicant.''.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to credits the application for which is submitted during the period described in section 48A(d)(2)(A)(ii) of the Internal Revenue Code of 1986 and which are allocated or reallocated after the date of the enactment of this Act.

(2) COMPETITIVE CERTIFICATION AWARDS MODIFICATION AUTHORITY.—The amendment made by subsection (d) shall take effect on the date of the enactment of this Act and is applicable to all competitive certification awards entered into under section 48A or 48B of the Internal Revenue Code of 1986, whether such awards were issued before, on, or after such date of enactment.

(3) DISCLOSURE OF ALLOCATIONS.—The amendment made by subsection (e) shall apply to certifications made after the date of the enactment of this Act.

(4) CLERICAL AMENDMENT.—The amendment made by subsection (c)(5) shall take effect as if included in the amendment made by section 1307(b) of the Energy Tax Incentives Act of 2005.

SEC. 112. EXPANSION AND MODIFICATION OF COAL GASIFICATION INVESTMENT CREDIT.

(a) MODIFICATION OF CREDIT AMOUNT.—Section 48B(a) is amended by inserting ''(30 percent in the case of credits allocated under subsection (d)(1)(B))'' after ''20 percent''.

(b) EXPANSION OF AGGREGATE CREDITS.—Section 48B(d)(1) is amended by striking ''shall not exceed $350,000,000'' and all that follows and inserting ''shall not exceed—

''(A) $350,000,000, plus

''(B) $250,000,000 for qualifying gasification projects that include equipment which separates and sequesters at least 75 percent of such project's total carbon dioxide emissions.''.

(c) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—Section 48B is amended by adding at the end the following new subsection:

''(f) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—The Secretary shall provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any project which fails to attain or maintain the separation and sequestration requirements for such project under subsection (d)(1).''.

(d) SELECTION PRIORITIES.—Section 48B(d) is amended by adding at the end the following new paragraph:

''(4) SELECTION PRIORITIES.—In determining which qualifying gasification projects to certify under this section, the Secretary shall—

''(A) give highest priority to projects with the greatest separation and sequestration percentage of total carbon dioxide emissions, and

''(B) give high priority to applicant participants who have a research partnership with an eligible educational institution (as defined in section 529(e)(5)).''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to credits described in section 48B(d)(1)(B) of the Internal Revenue Code of 1986 which are allocated or reallocated after the date of the enactment of this Act.

SEC. 113. TEMPORARY INCREASE IN COAL EXCISE TAX.

Paragraph (2) of section 4121(e) is amended—

(1) by striking ''January 1, 2014'' in subparagraph (A) and inserting ''December 31, 2018'', and

(2) by striking ''January 1 after 1981'' in subparagraph (B) and inserting ''December 31 after 2007''.

SEC. 114. SPECIAL RULES FOR REFUND OF THE COAL EXCISE TAX TO CERTAIN COAL PRODUCERS AND EXPORTERS.

(a) REFUND.—

(1) COAL PRODUCERS.—

(A) IN GENERAL.—Notwithstanding subsections (a)(1) and (c) of section 6416 and section 6511 of the Internal Revenue Code of 1986, if—

(i) a coal producer establishes that such coal producer, or a party related to such coal producer, exported coal produced by such coal producer to a foreign country or shipped coal produced by such coal producer to a possession of the United States, or caused such coal to be exported or shipped, the export or shipment of which was other than through an exporter who meets the requirements of paragraph (2),

(ii) such coal producer filed an excise tax return on or after October 1, 1990, and on or before the date of the enactment of this Act, and

(iii) such coal producer files a claim for refund with the Secretary not later than the close of the 30-day period beginning on the date of the enactment of this Act,

then the Secretary shall pay to such coal producer an amount equal to the tax paid under section 4121 of such Code on such coal exported or shipped by the coal producer or a party related to such coal producer, or caused by the coal producer or a party related to such coal producer to be exported or shipped.

(B) SPECIAL RULES FOR CERTAIN TAXPAYERS.—For purposes of this section—

(i) IN GENERAL.—If a coal producer or a party related to a coal producer has received a judgment described in clause (iii), such coal producer shall be deemed to have established the export of coal to a foreign country or shipment of coal to a possession of the United States under subparagraph (A)(i).

(ii) AMOUNT OF PAYMENT.—If a taxpayer described in clause (i) is entitled to a payment

under subparagraph (A), the amount of such payment shall be reduced by any amount paid pursuant to the judgment described in clause (iii).

(iii) JUDGMENT DESCRIBED.—A judgment is described in this subparagraph if such judgment—

(I) is made by a court of competent jurisdiction within the United States,

(II) relates to the constitutionality of any tax paid on exported coal under section 4121 of the Internal Revenue Code of 1986, and

(III) is in favor of the coal producer or the party related to the coal producer.

(2) EXPORTERS.—Notwithstanding subsections (a)(1) and (c) of section 6416 and section 6511 of the Internal Revenue Code of 1986, and a judgment described in paragraph (1)(B)(iii) of this subsection, if—

(A) an exporter establishes that such exporter exported coal to a foreign country or shipped coal to a possession of the United States, or caused such coal to be so exported or shipped,

(B) such exporter filed a tax return on or after October 1, 1990, and on or before the date of the enactment of this Act, and

(C) such exporter files a claim for refund with the Secretary not later than the close of the 30-day period beginning on the date of the enactment of this Act,

then the Secretary shall pay to such exporter an amount equal to $0.825 per ton of such coal exported by the exporter or caused to be exported or shipped, or caused to be exported or shipped, by the exporter.

(b) LIMITATIONS.—Subsection (a) shall not apply with respect to exported coal if a settlement with the Federal Government has been made with and accepted by, the coal producer, a party related to such coal producer, or the exporter, of such coal, as of the date that the claim is filed under this section with respect to such exported coal. For purposes of this subsection, the term ''settlement with the Federal Government'' shall not include any settlement or stipulation entered into as of the date of the enactment of this Act, the terms of which contemplate a judgment concerning which any party has reserved the right to file an appeal, or has filed an appeal.

(c) SUBSEQUENT REFUND PROHIBITED.—No refund shall be made under this section to the extent that a credit or refund of such tax on such exported or shipped coal has been paid to any person.

(d) DEFINITIONS.—For purposes of this section—

(1) COAL PRODUCER.—The term ''coal producer'' means the person in whom is vested ownership of the coal immediately after the coal is severed from the ground, without regard to the existence of any contractual arrangement for the sale or other disposition of the coal or the payment of any royalties between the producer and third parties. The term includes any person who extracts coal from coal waste refuse piles or from the silt waste product which results from the wet washing (or similar processing) of coal.

(2) EXPORTER.—The term ''exporter'' means a person, other than a coal producer, who does not have a contract, fee arrangement, or any other agreement with a producer or seller of such coal to export or ship such coal to a third party on behalf of the producer or seller of such coal and—

(A) is indicated in the shipper's export declaration or other documentation as the exporter of record, or

(B) actually exported such coal to a foreign country or shipped such coal to a possession of the United States, or caused such coal to be so exported or shipped.

(3) RELATED PARTY.—The term ''a party related to such coal producer'' means a person who—

(A) is related to such coal producer through any degree of common management, stock ownership, or voting control,

(B) is related (within the meaning of section 144(a)(3) of the Internal Revenue Code of 1986) to such coal producer, or

(C) has a contract, fee arrangement, or any other agreement with such coal producer to sell such coal to a third party on behalf of such coal producer.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Treasury or the Secretary's designee.

(e) TIMING OF REFUND.—With respect to any claim for refund filed pursuant to this section, the Secretary shall determine whether the requirements of this section are met not later than 180 days after such claim is filed. If the Secretary determines that the requirements of this section are met, the claim for refund shall be paid not later than 180 days after the Secretary makes such determination.

(f) INTEREST.—Any refund paid pursuant to this section shall be paid by the Secretary with interest from the date of overpayment determined by using the overpayment rate and method under section 6621 of the Internal Revenue Code of 1986.

(g) DENIAL OF DOUBLE BENEFIT.—The payment under subsection (a) with respect to any coal shall not exceed—

(1) in the case of a payment to a coal producer, the amount of tax paid under section 4121 of the Internal Revenue Code of 1986 with respect to such coal by such coal producer or a party related to such coal producer, and

(2) in the case of a payment to an exporter, an amount equal to $0.825 per ton with respect to such coal exported by the exporter or caused to be exported by the exporter.

(h) APPLICATION OF SECTION.—This section applies only to claims on coal exported or shipped on or after October 1, 1990, through the date of the enactment of this Act.

(i) STANDING NOT CONFERRED.—

(1) EXPORTERS.—With respect to exporters, this section shall not confer standing upon an exporter to commence, or intervene in, any judicial or administrative proceeding concerning a claim for refund by a coal producer of any Federal or State tax, fee, or royalty paid by the coal producer.

(2) COAL PRODUCERS.—With respect to coal producers, this section shall not confer standing upon a coal producer to commence, or intervene in, any judicial or administrative proceeding concerning a claim for refund by an exporter of any Federal or State tax, fee, or royalty paid by the producer and alleged to have been passed on to an exporter.

SEC. 115. CARBON AUDIT OF THE TAX CODE.

(a) STUDY.—The Secretary of the Treasury shall enter into an agreement with the National Academy of Sciences to undertake a comprehensive review of the Internal Revenue Code of 1986 to identify the types of and specific tax provisions that have the largest effects on carbon and other greenhouse gas emissions and to estimate the magnitude of those effects.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the National Academy of Sciences shall submit to Congress a report containing the results of study authorized under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,500,000 for the period of fiscal years 2008 and 2009.

Subtitle B—Transportation and Domestic Fuel Security Provisions

SEC. 121. INCLUSION OF CELLULOSIC BIOFUEL IN BONUS DEPRECIATION FOR BIOMASS ETHANOL PLANT PROPERTY.

(a) IN GENERAL.—Paragraph (3) of section 168(l) is amended to read as follows:

''(3) CELLULOSIC BIOFUEL.—The term 'cellulosic biofuel' means any liquid fuel which is produced from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis.''.

(b) CONFORMING AMENDMENTS.—Subsection (l) of section 168 is amended—

(1) by striking ''cellulosic biomass ethanol'' each place it appears and inserting ''cellulosic biofuel'',

(2) by striking ''CELLULOSIC BIOMASS ETHANOL'' in the heading of such subsection and inserting ''CELLULOSIC BIOFUEL'', and

(3) by striking ''CELLULOSIC BIOMASS ETHANOL'' in the heading of paragraph (2) thereof and inserting ''CELLULOSIC BIOFUEL''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 122. CREDITS FOR BIODIESEL AND RENEWABLE DIESEL.

(a) IN GENERAL.—Sections 40A(g), 6426(c)(6), and 6427(e)(5)(B) are each amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) INCREASE IN RATE OF CREDIT.—

(1) INCOME TAX CREDIT.—Paragraphs (1)(A) and (2)(A) of section 40A(b) are each amended by striking ''50 cents'' and inserting ''$1.00''.

(2) EXCISE TAX CREDIT.—Paragraph (2) of section 6426(c) is amended to read as follows:

''(2) APPLICABLE AMOUNT.—For purposes of this subsection, the applicable amount is $1.00.''.

(3) CONFORMING AMENDMENTS.—

(A) Subsection (b) of section 40A is amended by striking paragraph (3) and by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(B) Paragraph (2) of section 40A(f) is amended to read as follows:

''(2) EXCEPTION.—Subsection (b)(4) shall not apply with respect to renewable diesel.''.

(C) Paragraphs (2) and (3) of section 40A(e) are each amended by striking ''subsection (b)(5)(C)'' and inserting ''subsection (b)(4)(C)''.

(D) Clause (ii) of section 40A(d)(3)(C) is amended by striking ''subsection (b)(5)(B)'' and inserting ''subsection (b)(4)(B)''.

(c) UNIFORM TREATMENT OF DIESEL PRODUCED FROM BIOMASS.—Paragraph (3) of section 40A(f) is amended—

(1) by striking ''diesel fuel'' and inserting ''liquid fuel'',

(2) by striking ''using a thermal depolymerization process'', and

(3) by striking ''or D396'' in subparagraph (B) and inserting '', D396, or other equivalent standard approved by the Secretary''.

(d) COPRODUCTION OF RENEWABLE DIESEL WITH PETROLEUM FEEDSTOCK.—

(1) IN GENERAL.—Paragraph (3) of section 40A(f) (defining renewable diesel) is amended by adding at the end the following flush sentence: ''Such term does not include any fuel derived from coprocessing biomass with a feedstock which is not biomass. For purposes of this paragraph, the term 'biomass' has the meaning given such term by section 45K(c)(3).''.

(2) CONFORMING AMENDMENT.—Paragraph (3) of section 40A(f) is amended by striking ''(as defined in section 45K(c)(3))''.

(e) ELIGIBILITY OF CERTAIN AVIATION FUEL.—Paragraph (3) of section 40A(f) (defining renewable diesel) is amended by adding at the end the following: ''The term 'renewable diesel' also means fuel derived from biomass which meets the requirements of a Department of Defense specification for military jet fuel or an American Society of Testing and Materials specification for aviation turbine fuel.''

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to fuel produced, and sold or used, after December 31, 2008.

(2) COPRODUCTION OF RENEWABLE DIESEL WITH PETROLEUM FEEDSTOCK.—The amendments made by subsection (c) shall apply to fuel produced, and sold or used, after February 13, 2008.

SEC. 123. CLARIFICATION THAT CREDITS FOR FUEL ARE DESIGNED TO PROVIDE AN INCENTIVE FOR UNITED STATES PRODUCTION.

(a) ALCOHOL FUELS CREDIT.—Subsection (d) of section 40 is amended by adding at the end the following new paragraph:

''(6) LIMITATION TO ALCOHOL WITH CONNECTION TO THE UNITED STATES.—No credit shall be determined under this section with respect to any alcohol which is produced outside the United States for use as a fuel outside the United States. For purposes of this paragraph, the term 'United States' includes any possession of the United States.''.

(b) BIODIESEL FUELS CREDIT.—Subsection (d) of section 40A is amended by adding at the end the following new paragraph:

''(5) LIMITATION TO BIODIESEL WITH CONNECTION TO THE UNITED STATES.—No credit shall be determined under this section with respect to any biodiesel which is produced outside the United States for use as a fuel outside the United States. For purposes of this paragraph, the term 'United States' includes any possession of the United States.''.

(c) EXCISE TAX CREDIT.—

(1) IN GENERAL.—Section 6426 is amended by adding at the end the following new subsection:

''(i) LIMITATION TO FUELS WITH CONNECTION TO THE UNITED STATES.—

''(1) ALCOHOL.—No credit shall be determined under this section with respect to any alcohol which is produced outside the United States for use as a fuel outside the United States.

''(2) BIODIESEL AND ALTERNATIVE FUELS.—No credit shall be determined under this section with respect to any biodiesel or alternative fuel which is produced outside the United States for use as a fuel outside the United States.

For purposes of this subsection, the term 'United States' includes any possession of the United States.''.

(2) CONFORMING AMENDMENT.—Subsection (e) of section 6427 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) LIMITATION TO FUELS WITH CONNECTION TO THE UNITED STATES.—No amount shall be payable under paragraph (1) or (2) with respect to any mixture or alternative fuel if credit is not allowed with respect to such mixture or alternative fuel by reason of section 6426(i).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to claims for credit or payment made on or after May 15, 2008.

SEC. 124. CREDIT FOR NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

''SEC. 30D. NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

''(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credit amounts determined under subsection (b) with respect to each new qualified plug-in electric drive motor vehicle placed in service by the taxpayer during the taxable year.

''(b) PER VEHICLE DOLLAR LIMITATION.—

''(1) IN GENERAL.—The amount determined under this subsection with respect to any new qualified plug-in electric drive motor vehicle is the sum of the amounts determined under paragraphs (2) and (3) with respect to such vehicle.

''(2) BASE AMOUNT.—The amount determined under this paragraph is $3,000.

''(3) BATTERY CAPACITY.—In the case of a vehicle which draws propulsion energy from a battery with not less than 5 kilowatt hours of capacity, the amount determined under this paragraph is $200, plus $200 for each kilowatt hour of capacity in excess of 5 kilowatt hours. The amount determined under this paragraph shall not exceed $2,000.

''(c) APPLICATION WITH OTHER CREDITS.—

''(1) BUSINESS CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—So much of the credit which would be allowed under subsection (a) for any taxable year (determined without regard to this subsection) that is attributable to property of a character subject to an allowance for depreciation shall be treated as a credit listed in section 38(b) for such taxable year (and not allowed under subsection (a)).

''(2) PERSONAL CREDIT.—

''(A) IN GENERAL.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.

''(B) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall not exceed the excess of—

''(i) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(ii) the sum of the credits allowable under subpart A (other than this section and sections 23 and 25D) and section 27 for the taxable year.

''(d) NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE.—For purposes of this section—

''(1) IN GENERAL.—The term 'new qualified plug-in electric drive motor vehicle' means a motor vehicle (as defined in section 30(c)(2))—

''(A) the original use of which commences with the taxpayer,

''(B) which is acquired for use or lease by the taxpayer and not for resale,

''(C) which is made by a manufacturer,

''(D) which has a gross vehicle weight rating of less than 14,000 pounds,

''(E) which has received a certificate of conformity under the Clean Air Act and meets or exceeds the Bin 5 Tier II emission standard established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle, and

''(F) which is propelled to a significant extent by an electric motor which draws electricity from a battery which—

''(i) has a capacity of not less than 4 kilowatt hours, and

''(ii) is capable of being recharged from an external source of electricity.

''(2) EXCEPTION.—The term 'new qualified plug-in electric drive motor vehicle' shall not include any vehicle which is not a passenger automobile or light truck if such vehicle has a gross vehicle weight rating of less than 8,500 pounds.

''(3) OTHER TERMS.—The terms 'passenger automobile', 'light truck', and 'manufacturer' have the meanings given such terms in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

''(4) BATTERY CAPACITY.—The term 'capacity' means, with respect to any battery, the quantity of electricity which the battery is capable of storing, expressed in kilowatt hours, as measured from a 100 percent state of charge to a 0 percent state of charge.

''(e) LIMITATION ON NUMBER OF NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES ELIGIBLE FOR CREDIT.—

''(1) IN GENERAL.—In the case of a new qualified plug-in electric drive motor vehicle sold during the phaseout period, only the applicable percentage of the credit otherwise allowable under subsection (a) shall be allowed.

''(2) PHASEOUT PERIOD.—For purposes of this subsection, the phaseout period is the period beginning with the second calendar quarter following the calendar quarter which includes the first date on which the number of new qualified plug-in electric drive motor vehicles manufactured by the manufacturer of the vehicle referred to in paragraph (1) sold for use in the United States after the date of the enactment of this section, is at least 60,000.

''(3) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage is—

''(A) 50 percent for the first 2 calendar quarters of the phaseout period,

''(B) 25 percent for the 3d and 4th calendar quarters of the phaseout period, and

''(C) 0 percent for each calendar quarter thereafter.

''(4) CONTROLLED GROUPS.—Rules similar to the rules of section 30B(f)(4) shall apply for purposes of this subsection.

''(f) SPECIAL RULES.—

''(1) BASIS REDUCTION.—The basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit (determined without regard to subsection (c)).

''(2) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit.

''(3) PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowed under subsection (a) with respect to any property referred to in section 50(b)(1) or with respect to the portion of the cost of any property taken into account under section 179.

''(4) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any vehicle if the taxpayer elects to not have this section apply to such vehicle.

''(5) PROPERTY USED BY TAX-EXEMPT ENTITY; INTERACTION WITH AIR QUALITY AND MOTOR VEHICLE SAFETY STANDARDS.—Rules similar to the rules of paragraphs (6) and (10) of section 30B(h) shall apply for purposes of this section.''.

(b) COORDINATION WITH ALTERNATIVE MOTOR VEHICLE CREDIT.—Section 30B(d)(3) is amended by adding at the end the following new subparagraph:

''(D) EXCLUSION OF PLUG-IN VEHICLES.—Any vehicle with respect to which a credit is allowable under section 30D (determined without regard to subsection (c) thereof) shall not be taken into account under this section.''.

(c) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Section 38(b) is amended—

(1) by striking ''and'' each place it appears at the end of any paragraph,

(2) by striking ''plus'' each place it appears at the end of any paragraph,

(3) by striking the period at the end of paragraph (31) and inserting '', plus'', and

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

''(32) the portion of the new qualified plug-in electric drive motor vehicle credit to which section 30D(c)(1) applies.''.

(d) CONFORMING AMENDMENTS.—

(1)(A) Section 24(b)(3)(B), as amended by section 104, is amended by striking ''and 25D'' and inserting ''25D, and 30D''.

(B) Section 25(e)(1)(C)(ii) is amended by inserting ''30D,'' after ''25D,''.

(C) Section 25B(g)(2), as amended by section 104, is amended by striking ''and 25D'' and inserting '', 25D, and 30D''.

(D) Section 26(a)(1), as amended by section 104, is amended by striking ''and 25D'' and inserting ''25D, and 30D''.

(E) Section 1400C(d)(2) is amended by striking ''and 25D'' and inserting ''25D, and 30D''.

(2) Section 1016(a) is amended by striking ''and'' at the end of paragraph (35), by striking the period at the end of paragraph (36) and inserting '', and'', and by adding at the end the following new paragraph:

''(37) to the extent provided in section 30D(f)(1).''.

(3) Section 6501(m) is amended by inserting ''30D(f)(4),'' after ''30C(e)(5),''.

(4) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 30D. New qualified plug-in electric drive motor vehicles.''.

(e) TREATMENT OF ALTERNATIVE MOTOR VEHICLE CREDIT AS A PERSONAL CREDIT.—

(1) IN GENERAL.—Paragraph (2) of section 30B(g) is amended to read as follows:

''(2) PERSONAL CREDIT.—The credit allowed under subsection (a) for any taxable year (after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.''.

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (A) of section 30C(d)(2) is amended by striking ''sections 27, 30, and 30B'' and inserting ''sections 27 and 30''.

(B) Paragraph (3) of section 55(c) is amended by striking ''30B(g)(2),''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 2008.

(2) TREATMENT OF ALTERNATIVE MOTOR VEHICLE CREDIT AS PERSONAL CREDIT.—The amendments made by subsection (e) shall apply to taxable years beginning after December 31, 2007.

(g) APPLICATION OF EGTRRA SUNSET.—The amendment made by subsection (d)(1)(A) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provision of such Act to which such amendment relates.

SEC. 125. EXCLUSION FROM HEAVY TRUCK TAX FOR IDLING REDUCTION UNITS AND ADVANCED INSULATION.

(a) IN GENERAL.—Section 4053 is amended by adding at the end the following new paragraphs:

''(9) IDLING REDUCTION DEVICE.—Any device or system of devices which—

''(A) is designed to provide to a vehicle those services (such as heat, air conditioning, or electricity) that would otherwise require the operation of the main drive engine while the vehicle is temporarily parked or remains stationary using one or more devices affixed to a tractor, and

''(B) is certified by the Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Transportation, to reduce idling of such vehicle at a motor vehicle rest stop or other location where such vehicles are temporarily parked or remain stationary.

''(10) ADVANCED INSULATION.—Any insulation that has an R value of not less than R35 per inch.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales or installations after the date of the enactment of this Act.

SEC. 126. RESTRUCTURING OF NEW YORK LIBERTY ZONE TAX CREDITS.

(a) IN GENERAL.—Part I of subchapter Y of chapter 1 is amended by redesignating section 1400L as section 1400K and by adding at the end the following new section:

''SEC. 1400L. NEW YORK LIBERTY ZONE TAX CREDITS.

''(a) IN GENERAL.—In the case of a New York Liberty Zone governmental unit, there shall be allowed as a credit against any taxes imposed for any payroll period by section 3402 for which such governmental unit is liable under section 3403 an amount equal to so much of the portion of the qualifying project expenditure amount allocated under subsection (b)(3) to such governmental unit for the calendar year as is allocated by such governmental unit to such period under subsection (b)(4).

''(b) QUALIFYING PROJECT EXPENDITURE AMOUNT.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualifying project expenditure amount' means, with respect to any calendar year, the sum of—

''(A) the total expenditures paid or incurred during such calendar year by all New York Liberty Zone governmental units and the Port Authority of New York and New Jersey for any portion of qualifying projects located wholly within the City of New York, New York, and

''(B) any such expenditures—

''(i) paid or incurred in any preceding calendar year which begins after the date of enactment of this section, and

''(ii) not previously allocated under paragraph (3).

''(2) QUALIFYING PROJECT.—The term 'qualifying project' means any transportation infrastructure project, including highways, mass transit systems, railroads, airports, ports, and waterways, in or connecting with the New York Liberty Zone (as defined in section 1400K(h)), which is designated as a qualifying project under this section jointly by the Governor of the State of New York and the Mayor of the City of New York, New York.

''(3) GENERAL ALLOCATION.—

''(A) IN GENERAL.—The Governor of the State of New York and the Mayor of the City of New York, New York, shall jointly allocate to each New York Liberty Zone governmental unit the portion of the qualifying project expenditure amount which may be taken into account by such governmental unit under subsection (a) for any calendar year in the credit period.

''(B) AGGREGATE LIMIT.—The aggregate amount which may be allocated under subparagraph (A) for all calendar years in the credit period shall not exceed $2,000,000,000.

''(C) ANNUAL LIMIT.—The aggregate amount which may be allocated under subparagraph (A) for any calendar year in the credit period shall not exceed the sum of—

''(i) $115,000,000 ($425,000,000 in the case of the last 2 years in the credit period), plus

''(ii) the aggregate amount authorized to be allocated under this paragraph for all preceding calendar years in the credit period which was not so allocated.

''(D) UNALLOCATED AMOUNTS AT END OF CREDIT PERIOD.—If, as of the close of the credit period, the amount under subparagraph (B) exceeds the aggregate amount allocated under subparagraph (A) for all calendar years in the credit period, the Governor of the State of New York and the Mayor of the City of New York, New York, may jointly allocate to New York Liberty Zone governmental units for any calendar year in the 5-year period following the credit period an amount equal to—

''(i) the lesser of—

''(I) such excess, or

''(II) the qualifying project expenditure amount for such calendar year, reduced by

''(ii) the aggregate amount allocated under this subparagraph for all preceding calendar years.

''(4) ALLOCATION TO PAYROLL PERIODS.—Each New York Liberty Zone governmental unit which has been allocated a portion of the qualifying project expenditure amount under paragraph (3) for a calendar year may allocate such portion to payroll periods beginning in such calendar year as such governmental unit determines appropriate.

''(c) CARRYOVER OF UNUSED ALLOCATIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), if the amount allocated under subsection (b)(3) to a New York Liberty Zone governmental unit for any calendar year exceeds the aggregate taxes imposed by section 3402 for which such governmental unit is liable under section 3403 for periods beginning in such year, such excess shall be carried to the succeeding calendar year and added to the allocation of such governmental unit for such succeeding calendar year.

''(2) REALLOCATION.—If a New York Liberty Zone governmental unit does not use an amount allocated to it under subsection (b)(3) within the time prescribed by the Governor of the State of New York and the Mayor of the City of New York, New York, then such amount shall after such time be treated for purposes of subsection (b)(3) in the same manner as if it had never been allocated.

''(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) CREDIT PERIOD.—The term 'credit period' means the 12-year period beginning on January 1, 2009.

''(2) NEW YORK LIBERTY ZONE GOVERNMENTAL UNIT.—The term 'New York Liberty Zone governmental unit' means—

''(A) the State of New York,

''(B) the City of New York, New York, and

''(C) any agency or instrumentality of such State or City.

''(3) TREATMENT OF FUNDS.—Any expenditure for a qualifying project taken into account for purposes of the credit under this section shall be considered State and local funds for the purpose of any Federal program.

''(4) TREATMENT OF CREDIT AMOUNTS FOR PURPOSES OF WITHHOLDING TAXES.—For purposes of this title, a New York Liberty Zone governmental unit shall be treated as having paid to the Secretary, on the day on which wages are paid to employees, an amount equal to the amount of the credit allowed to such entity under subsection (a) with respect to such wages, but only if such governmental unit deducts and withholds wages for such payroll period under section 3401 (relating to wage withholding).

''(e) REPORTING.—The Governor of the State of New York and the Mayor of the City of New York, New York, shall jointly submit to the Secretary an annual report—

''(1) which certifies—

''(A) the qualifying project expenditure amount for the calendar year, and

''(B) the amount allocated to each New York Liberty Zone governmental unit under subsection (b)(3) for the calendar year, and

''(2) includes such other information as the Secretary may require to carry out this section.

''(f) GUIDANCE.—The Secretary may prescribe such guidance as may be necessary or appropriate to ensure compliance with the purposes of this section.''.

(b) TERMINATION OF SPECIAL ALLOWANCE AND EXPENSING.—Subparagraph (A) of section 1400K(b)(2), as redesignated by subsection (a), is amended by striking the parenthetical therein and inserting ''(in the case of nonresidential real property and residential rental property, the date of the enactment of the Renewable Energy and Job Creation Act of 2008 or, if acquired pursuant to a binding contract in effect on such enactment date, December 31, 2009)''.

(c) CONFORMING AMENDMENTS.—

(1) Section 38(c)(3)(B) is amended by striking ''section 1400L(a)'' and inserting ''section 1400K(a)''.

(2) Section 168(k)(2)(D)(ii) is amended by striking ''section 1400L(c)(2)'' and inserting ''section 1400K(c)(2)''.

(3) The table of sections for part I of subchapter Y of chapter 1 is amended by redesignating the item relating to section 1400L as an item relating to section 1400K and by inserting after such item the following new item:

''Sec. 1400L. New York Liberty Zone tax credits.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 127. TRANSPORTATION FRINGE BENEFIT TO BICYCLE COMMUTERS.

(a) IN GENERAL.—Paragraph (1) of section 132(f) is amended by adding at the end the following:

''(D) Any qualified bicycle commuting reimbursement.''.

(b) LIMITATION ON EXCLUSION.—Paragraph (2) of section 132(f) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) the applicable annual limitation in the case of any qualified bicycle commuting reimbursement.''.

(c) DEFINITIONS.—Paragraph (5) of section 132(f) is amended by adding at the end the following:

''(F) DEFINITIONS RELATED TO BICYCLE COMMUTING REIMBURSEMENT.—

''(i) QUALIFIED BICYCLE COMMUTING REIMBURSEMENT.—The term 'qualified bicycle commuting reimbursement' means, with respect to any calendar year, any employer reimbursement during the 15-month period beginning with the first day of such calendar year for reasonable expenses incurred by the employee during such calendar year for the purchase of a bicycle and bicycle improvements, repair, and storage, if such bicycle is regularly used for travel between the employee's residence and place of employment.

''(ii) APPLICABLE ANNUAL LIMITATION.—The term 'applicable annual limitation' means, with respect to any employee for any calendar year, the product of $20 multiplied by the number of qualified bicycle commuting months during such year.

''(iii) QUALIFIED BICYCLE COMMUTING MONTH.—The term 'qualified bicycle commuting month' means, with respect to any employee, any month during which such employee—

''(I) regularly uses the bicycle for a substantial portion of the travel between the employee's residence and place of employment, and

''(II) does not receive any benefit described in subparagraph (A), (B), or (C) of paragraph (1).''.

(d) CONSTRUCTIVE RECEIPT OF BENEFIT.—Paragraph (4) of section 132(f) is amended by inserting ''(other than a qualified bicycle commuting reimbursement)'' after ''qualified transportation fringe''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 128. ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.

(a) INCREASE IN CREDIT AMOUNT.—Section 30C is amended—

(1) by striking ''30 percent'' in subsection (a) and inserting ''50 percent'', and

(2) by striking ''$30,000'' in subsection (b)(1) and inserting ''$50,000''.

(b) EXTENSION OF CREDIT.—Paragraph (2) of section 30C(g) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

Subtitle C—Energy Conservation and Efficiency Provisions

SEC. 141. QUALIFIED ENERGY CONSERVATION BONDS.

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1, as added by section 106, is amended by adding at the end the following new section:

''SEC. 54C. QUALIFIED ENERGY CONSERVATION BONDS.

''(a) QUALIFIED ENERGY CONSERVATION BOND.—For purposes of this subchapter, the term 'qualified energy conservation bond' means any bond issued as part of an issue if—

''(1) 100 percent of the available project proceeds of such issue are to be used for one or more qualified conservation purposes,

''(2) the bond is issued by a State or local government, and

''(3) the issuer designates such bond for purposes of this section.

''(b) REDUCED CREDIT AMOUNT.—The annual credit determined under section 54A(b) with respect to any qualified energy conservation bond shall be 70 percent of the amount so determined without regard to this subsection.

''(c) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount of bonds which may be designated under subsection (a) by any issuer shall not exceed the limitation amount allocated to such issuer under subsection (e).

''(d) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national qualified energy conservation bond limitation of $3,000,000,000.

''(e) ALLOCATIONS.—

''(1) IN GENERAL.—The limitation applicable under subsection (d) shall be allocated by the Secretary among the States in proportion to the population of the States.

''(2) ALLOCATIONS TO LARGEST LOCAL GOVERNMENTS.—

''(A) IN GENERAL.—In the case of any State in which there is a large local government, each such local government shall be allocated a portion of such State's allocation which bears the same ratio to the State's allocation (determined without regard to this subparagraph) as the population of such large local government bears to the population of such State.

''(B) ALLOCATION OF UNUSED LIMITATION TO STATE.—The amount allocated under this subsection to a large local government may be reallocated by such local government to the State in which such local government is located.

''(C) LARGE LOCAL GOVERNMENT.—For purposes of this section, the term 'large local government' means any municipality or county if such municipality or county has a population of 100,000 or more.

''(3) ALLOCATION TO ISSUERS; RESTRICTION ON PRIVATE ACTIVITY BONDS.—Any allocation under this subsection to a State or large local government shall be allocated by such State or large local government to issuers within the State in a manner that results in not less than 70 percent of the allocation to such State or large local government being used to designate bonds which are not private activity bonds.

''(f) QUALIFIED CONSERVATION PURPOSE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified conservation purpose' means any of the following:

''(A) Capital expenditures incurred for purposes of—

''(i) reducing energy consumption in publicly-owned buildings by at least 20 percent,

''(ii) implementing green community programs,

''(iii) rural development involving the production of electricity from renewable energy resources, or

''(iv) any qualified facility (as determined under section 45(d) without regard to paragraphs (8) and (10) thereof and without regard to any placed in service date).

''(B) Expenditures with respect to research facilities, and research grants, to support research in—

''(i) development of cellulosic ethanol or other nonfossil fuels,

''(ii) technologies for the capture and sequestration of carbon dioxide produced through the use of fossil fuels,

''(iii) increasing the efficiency of existing technologies for producing nonfossil fuels,

''(iv) automobile battery technologies and other technologies to reduce fossil fuel consumption in transportation, or

''(v) technologies to reduce energy use in buildings.

''(C) Mass commuting facilities and related facilities that reduce the consumption of energy, including expenditures to reduce pollution from vehicles used for mass commuting.

''(D) Demonstration projects designed to promote the commercialization of—

''(i) green building technology,

''(ii) conversion of agricultural waste for use in the production of fuel or otherwise,

''(iii) advanced battery manufacturing technologies,

''(iv) technologies to reduce peak use of electricity, or

''(v) technologies for the capture and sequestration of carbon dioxide emitted from combusting fossil fuels in order to produce electricity.

''(E) Public education campaigns to promote energy efficiency.

''(2) SPECIAL RULES FOR PRIVATE ACTIVITY BONDS.—For purposes of this section, in the case of any private activity bond, the term 'qualified conservation purposes' shall not include any expenditure which is not a capital expenditure.

''(g) POPULATION.—

''(1) IN GENERAL.—The population of any State or local government shall be determined for purposes of this section as provided in section 146(j) for the calendar year which includes the date of the enactment of this section.

''(2) SPECIAL RULE FOR COUNTIES.—In determining the population of any county for purposes of this section, any population of such county which is taken into account in determining the population of any municipality which is a large local government shall not be taken into account in determining the population of such county.

''(h) APPLICATION TO INDIAN TRIBAL GOVERNMENTS.—An Indian tribal government shall be treated for purposes of this section in the same manner as a large local government, except that—

''(1) an Indian tribal government shall be treated for purposes of subsection (e) as located within a State to the extent of so much of the population of such government as resides within such State, and

''(2) any bond issued by an Indian tribal government shall be treated as a qualified energy conservation bond only if issued as part of an issue the available project proceeds of which are used for purposes for which such Indian tribal government could issue bonds to which section 103(a) applies.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d), as added by section 106, is amended to read as follows:

''(1) QUALIFIED TAX CREDIT BOND.—The term 'qualified tax credit bond' means—

''(A) a new clean renewable energy bond, or

''(B) a qualified energy conservation bond,

which is part of an issue that meets requirements of paragraphs (2), (3), (4), (5), and (6).''.

(2) Subparagraph (C) of section 54A(d)(2), as added by section 106, is amended to read as follows:

''(C) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means—

''(i) in the case of a new clean renewable energy bond, a purpose specified in section 54B(a)(1), and

''(ii) in the case of a qualified energy conservation bond, a purpose specified in section 54C(a)(1).''.

(3) The table of sections for subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 54C. Qualified energy conservation bonds.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 142. CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) EXTENSION OF CREDIT.—Section 25C(g) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) QUALIFIED BIOMASS FUEL PROPERTY.—

(1) IN GENERAL.—Section 25C(d)(3) is amended—

(A) by striking ''and'' at the end of subparagraph (D),

(B) by striking the period at the end of subparagraph (E) and inserting '', and'', and

(C) by adding at the end the following new subparagraph:

''(F) a stove which uses the burning of biomass fuel to heat a dwelling unit located in the United States and used as a residence by the taxpayer, or to heat water for use in such a dwelling unit, and which has a thermal efficiency rating of at least 75 percent.''.

(2) BIOMASS FUEL.—Section 25C(d) is amended by adding at the end the following new paragraph:

''(6) BIOMASS FUEL.—The term 'biomass fuel' means any plant-derived fuel available on a renewable or recurring basis, including agricultural crops and trees, wood and wood waste and residues (including wood pellets), plants (including aquatic plants), grasses, residues, and fibers.''.

(c) COORDINATION WITH CREDIT FOR QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY EXPENDITURES.—

(1) IN GENERAL.—Paragraph (3) of section 25C(d), as amended by subsection (b), is amended by striking subparagraph (C) and by redesignating subparagraphs (D), (E), and (F) as subparagraphs (C), (D), and (E), respectively.

(2) CONFORMING AMENDMENT.—Subparagraph (C) of section 25C(d)(2) is amended to read as follows:

''(C) REQUIREMENTS AND STANDARDS FOR AIR CONDITIONERS AND HEAT PUMPS.—The standards and requirements prescribed by the Secretary under subparagraph (B) with respect to the energy efficiency ratio (EER) for central air conditioners and electric heat pumps—

''(i) shall require measurements to be based on published data which is tested by manufacturers at 95 degrees Fahrenheit, and

''(ii) may be based on the certified data of the Air Conditioning and Refrigeration Institute that are prepared in partnership with the Consortium for Energy Efficiency.''.

(d) EFFECTIVE DATE.—The amendments made this section shall apply to expenditures made after December 31, 2007.

SEC. 143. ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

Subsection (h) of section 179D is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

SEC. 144. MODIFICATIONS OF ENERGY EFFICIENT APPLIANCE CREDIT FOR APPLIANCES PRODUCED AFTER 2007.

(a) IN GENERAL.—Subsection (b) of section 45M is amended to read as follows:

''(b) APPLICABLE AMOUNT.—For purposes of subsection (a)—

''(1) DISHWASHERS.—The applicable amount is—

''(A) $45 in the case of a dishwasher which is manufactured in calendar year 2008 or 2009 and which uses no more than 324 kilowatt hours per year and 5.8 gallons per cycle, and

''(B) $75 in the case of a dishwasher which is manufactured in calendar year 2008, 2009, or 2010 and which uses no more than 307 kilowatt hours per year and 5.0 gallons per cycle (5.5 gallons per cycle for dishwashers designed for greater than 12 place settings).

''(2) CLOTHES WASHERS.—The applicable amount is—

''(A) $75 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 which meets or exceeds a 1.72 modified energy factor and does not exceed a 8.0 water consumption factor,

''(B) $125 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 or 2009 which meets or exceeds a 1.8 modified energy factor and does not exceed a 7.5 water consumption factor,

''(C) $150 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.0 modified energy factor and does not exceed a 6.0 water consumption factor, and

''(D) $250 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.2 modified energy factor and does not exceed a 4.5 water consumption factor.

''(3) REFRIGERATORS.—The applicable amount is—

''(A) $50 in the case of a refrigerator which is manufactured in calendar year 2008, and consumes at least 20 percent but not more than 22.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

''(B) $75 in the case of a refrigerator which is manufactured in calendar year 2008 or 2009, and consumes at least 23 percent but no more than 24.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

''(C) $100 in the case of a refrigerator which is manufactured in calendar year 2008, 2009, or 2010, and consumes at least 25 percent but not more than 29.9 percent less kilowatt hours per year than the 2001 energy conservation standards, and

''(D) $200 in the case of a refrigerator manufactured in calendar year 2008, 2009, or 2010 and which consumes at least 30 percent less energy than the 2001 energy conservation standards.''.

(b) ELIGIBLE PRODUCTION.—

(1) SIMILAR TREATMENT FOR ALL APPLIANCES.—Subsection (c) of section 45M is amended—

(A) by striking paragraph (2),

(B) by striking ''(1) IN GENERAL'' and all that follows through ''the eligible'' and inserting ''The eligible'',

(C) by moving the text of such subsection in line with the subsection heading, and

(D) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and by moving such paragraphs 2 ems to the left.

(2) MODIFICATION OF BASE PERIOD.—Paragraph (2) of section 45M(c), as amended by paragraph (1), is amended by striking ''3-calendar year'' and inserting ''2-calendar year''.

(c) TYPES OF ENERGY EFFICIENT APPLIANCES.—Subsection (d) of section 45M (defining types of energy efficient appliances) is amended to read as follows:

''(d) TYPES OF ENERGY EFFICIENT APPLIANCE.—For purposes of this section, the types of energy efficient appliances are—

''(1) dishwashers described in subsection (b)(1),

''(2) clothes washers described in subsection (b)(2), and

''(3) refrigerators described in subsection (b)(3).''.

(d) AGGREGATE CREDIT AMOUNT ALLOWED.—

(1) INCREASE IN LIMIT.—Paragraph (1) of section 45M(e) is amended to read as follows:

''(1) AGGREGATE CREDIT AMOUNT ALLOWED.—The aggregate amount of credit allowed under subsection (a) with respect to a taxpayer for any taxable year shall not exceed $75,000,000 reduced by the amount of the credit allowed under subsection (a) to the taxpayer (or any predecessor) for all prior taxable years beginning after December 31, 2007.''.

(2) EXCEPTION FOR CERTAIN REFRIGERATOR AND CLOTHES WASHERS.—Paragraph (2) of section 45M(e) is amended to read as follows:

''(2) AMOUNT ALLOWED FOR CERTAIN REFRIGERATORS AND CLOTHES WASHERS.—Refrigerators described in subsection (b)(3)(D) and clothes washers described in subsection (b)(2)(D) shall not be taken into account under paragraph (1).''.

(e) QUALIFIED ENERGY EFFICIENT APPLIANCES.—

(1) IN GENERAL.—Paragraph (1) of section 45M(f) (defining qualified energy efficient appliance) is amended to read as follows:

''(1) QUALIFIED ENERGY EFFICIENT APPLIANCE.—The term 'qualified energy efficient appliance' means—

''(A) any dishwasher described in subsection (b)(1),

''(B) any clothes washer described in subsection (b)(2), and

''(C) any refrigerator described in subsection (b)(3).''.

(2) CLOTHES WASHER.—Section 45M(f)(3) is amended by inserting ''commercial'' before ''residential'' the second place it appears.

(3) TOP-LOADING CLOTHES WASHER.—Subsection (f) of section 45M is amended by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively, and by inserting after paragraph (3) the following new paragraph:

''(4) TOP-LOADING CLOTHES WASHER.—The term 'top-loading clothes washer' means a clothes washer which has the clothes container compartment access located on the top of the machine and which operates on a vertical axis.''.

(4) REPLACEMENT OF ENERGY FACTOR.—Section 45M(f)(6), as redesignated by paragraph (3), is amended to read as follows:

''(6) MODIFIED ENERGY FACTOR.—The term 'modified energy factor' means the modified energy factor established by the Department of Energy for compliance with the Federal energy conservation standard.''.

(5) GALLONS PER CYCLE; WATER CONSUMPTION FACTOR.—Section 45M(f), as amended by paragraph (3), is amended by adding at the end the following:

''(9) GALLONS PER CYCLE.—The term 'gallons per cycle' means, with respect to a dishwasher, the amount of water, expressed in gallons, required to complete a normal cycle of a dishwasher.

''(10) WATER CONSUMPTION FACTOR.—The term 'water consumption factor' means, with respect to a clothes washer, the quotient of the total weighted per-cycle water consumption divided by the cubic foot (or liter) capacity of the clothes washer.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after December 31, 2007.

SEC. 145. ACCELERATED RECOVERY PERIOD FOR DEPRECIATION OF SMART METERS AND SMART GRID SYSTEMS.

(a) IN GENERAL.—Section 168(e)(3)(D) is amended by striking ''and'' at the end of clause (i), by striking the period at the end of clause (ii) and inserting a comma, and by inserting after clause (ii) the following new clauses:

''(iii) any qualified smart electric meter, and

''(iv) any qualified smart electric grid system.''.

(b) DEFINITIONS.—Section 168(i) is amended by inserting at the end the following new paragraph:

''(18) QUALIFIED SMART ELECTRIC METERS.—

''(A) IN GENERAL.—The term 'qualified smart electric meter' means any smart electric meter which is placed in service by a taxpayer who is a supplier of electric energy or a provider of electric energy services.

''(B) SMART ELECTRIC METER.—For purposes of subparagraph (A), the term 'smart electric meter' means any time-based meter and related communication equipment which is capable of being used by the taxpayer as part of a system that—

''(i) measures and records electricity usage data on a time-differentiated basis in at least 24 separate time segments per day,

''(ii) provides for the exchange of information between supplier or provider and the customer's electric meter in support of time-based rates or other forms of demand response,

''(iii) provides data to such supplier or provider so that the supplier or provider can provide energy usage information to customers electronically, and

''(iv) provides net metering.

''(19) QUALIFIED SMART ELECTRIC GRID SYSTEMS.—

''(A) IN GENERAL.—The term 'qualified smart electric grid system' means any smart grid property used as part of a system for electric distribution grid communications, monitoring, and management placed in service by a taxpayer who is a supplier of electric energy or a provider of electric energy services.

''(B) SMART GRID PROPERTY.—For the purposes of subparagraph (A), the term 'smart grid property' means electronics and related equipment that is capable of—

''(i) sensing, collecting, and monitoring data of or from all portions of a utility's electric distribution grid,

''(ii) providing real-time, two-way communications to monitor or manage such grid, and

''(iii) providing real time analysis of and event prediction based upon collected data that can be

used to improve electric distribution system reliability, quality, and performance.''.

(c) CONTINUED APPLICATION OF 150 PERCENT DECLINING BALANCE METHOD.—Paragraph (2) of section 168(b) is amended by striking ''or'' at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

''(C) any property (other than property described in paragraph (3)) which is a qualified smart electric meter or qualified smart electric grid system, or''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 146. QUALIFIED GREEN BUILDING AND SUSTAINABLE DESIGN PROJECTS.

(a) IN GENERAL.—Paragraph (8) of section 142(l) is amended by striking ''September 30, 2009'' and inserting ''September 30, 2012''.

(b) TREATMENT OF CURRENT REFUNDING BONDS.—Paragraph (9) of section 142(l) is amended by striking ''October 1, 2009'' and inserting ''October 1, 2012''.

(c) ACCOUNTABILITY.—The second sentence of section 701(d) of the American Jobs Creation Act of 2004 is amended by striking ''issuance,'' and inserting ''issuance of the last issue with respect to such project,''.

TITLE II—ONE-YEAR EXTENSION OF TEMPORARY PROVISIONS

Subtitle A—Extensions Primarily Affecting Individuals

SEC. 201. DEDUCTION FOR STATE AND LOCAL SALES TAXES.

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 202. DEDUCTION OF QUALIFIED TUITION AND RELATED EXPENSES.

(a) IN GENERAL.—Subsection (e) of section 222 is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 203. TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) INTEREST-RELATED DIVIDENDS.—Subparagraph (C) of section 871(k)(1) (defining interest-related dividend) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) SHORT-TERM CAPITAL GAIN DIVIDENDS.—Subparagraph (C) of section 871(k)(2) (defining short-term capital gain dividend) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to dividends with respect to taxable years of regulated investment companies beginning after December 31, 2007.

SEC. 204. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subparagraph (F) of section 408(d)(8) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2007.

SEC. 205. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) is amended by striking ''or 2007'' and inserting ''2007, or 2008''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2007.

SEC. 206. ELECTION TO INCLUDE COMBAT PAY AS EARNED INCOME FOR PURPOSES OF EARNED INCOME TAX CREDIT.

(a) IN GENERAL.—Subclause (II) of section 32(c)(2)(B)(vi) (defining earned income) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2009''.

(b) CONFORMING AMENDMENT.—Paragraph (4) of section 6428(e) is amended by striking ''except that'' and all that follows through ''such term'' and inserting ''except that such term''.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending after December 31, 2007.

SEC. 207. MODIFICATION OF MORTGAGE REVENUE BONDS FOR VETERANS.

(a) QUALIFIED MORTGAGE BONDS USED TO FINANCE RESIDENCES FOR VETERANS WITHOUT REGARD TO FIRST-TIME HOMEBUYER REQUIREMENT.—Subparagraph (D) of section 143(d)(2) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after December 31, 2007.

SEC. 208. DISTRIBUTIONS FROM RETIREMENT PLANS TO INDIVIDUALS CALLED TO ACTIVE DUTY.

(a) IN GENERAL.—Clause (iv) of section 72(t)(2)(G) is amended by striking ''December 31, 2007'' and inserting ''January 1, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals ordered or called to active duty on or after December 31, 2007.

SEC. 209. STOCK IN RIC FOR PURPOSES OF DETERMINING ESTATES OF NONRESIDENTS NOT CITIZENS.

(a) IN GENERAL.—Paragraph (3) of section 2105(d) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to decedents dying after December 31, 2007.

SEC. 210. QUALIFIED INVESTMENT ENTITIES.

(a) IN GENERAL.—Clause (ii) of section 897(h)(4)(A) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2008, except that such amendment shall not apply to the application of withholding requirements with respect to any payment made on or before the date of the enactment of this Act.

SEC. 211. EXCLUSION OF AMOUNTS RECEIVED UNDER QUALIFIED GROUP LEGAL SERVICES PLANS.

(a) IN GENERAL.—Subsection (e) of section 120 is amended by striking ''shall not apply to taxable years beginning after June 30, 1992'' and inserting ''shall apply to taxable years beginning after December 31, 2007, and before January 1, 2009''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

Subtitle B—Extensions Primarily Affecting Businesses

SEC. 221. RESEARCH CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 41(h)(1) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) COMPUTATION OF CREDIT FOR TAXABLE YEAR IN WHICH CREDIT TERMINATES.—Paragraph (2) of section 41(h) is amended to read as follows:

''(2) COMPUTATION OF CREDIT FOR TAXABLE YEAR IN WHICH CREDIT TERMINATES.—

''(A) IN GENERAL.—In the case of any taxable year with respect to which this section applies to a number of days which is less than the total number of days in such taxable year, the applicable base amount with respect to such taxable year shall be the amount which bears the same ratio to such applicable amount (determined without regard to this paragraph) as the number of days in such taxable year to which this section applies bears to the total number of days in such taxable year.

''(B) APPLICABLE BASE AMOUNT.—For purposes of subparagraph (A), the term 'applicable base amount' means, with respect to any taxable year—

''(i) except as otherwise provided in this subparagraph, the base amount for the taxable year,

''(ii) in the case of a taxable year with respect to which an election under subsection (c)(4) (relating to election of alternative incremental credit) is in effect, the average described in subsection (c)(1)(B) for the taxable year, and

''(iii) in the case of a taxable year with respect to which an election under subsection (c)(5) (relating to election of alternative simplified credit) is in effect, the average qualified research expenses for the 3 taxable years preceding the taxable year.''.

(c) CONFORMING AMENDMENT.—Subparagraph (D) of section 45C(b)(1) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2007.

SEC. 222. INDIAN EMPLOYMENT CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45A is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 223. NEW MARKETS TAX CREDIT.

Subparagraph (D) of section 45D(f)(1) is amended by striking ''and 2008'' and inserting ''2008, and 2009''.

SEC. 224. RAILROAD TRACK MAINTENANCE.

(a) IN GENERAL.—Subsection (f) of section 45G is amended by striking ''January 1, 2008'' and inserting ''January 1, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred during taxable years beginning after December 31, 2007.

SEC. 225. FIFTEEN-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS AND QUALIFIED RESTAURANT PROPERTY.

(a) IN GENERAL.—Clauses (iv) and (v) of section 168(e)(3)(E) are each amended by striking ''January 1, 2008'' and inserting ''January 1, 2009''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007.

SEC. 226. SEVEN-YEAR COST RECOVERY PERIOD FOR MOTORSPORTS RACING TRACK FACILITY.

(a) IN GENERAL.—Subparagraph (D) of section 168(i)(15) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SEC. 227. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON INDIAN RESERVATION.

(a) IN GENERAL.—Paragraph (8) of section 168(j) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SEC. 228. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) IN GENERAL.—Subsection (h) of section 198 is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2007.

SEC. 229. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

(a) IN GENERAL.—Subparagraph (C) of section 199(d)(8) is amended—

(1) by striking ''first 2 taxable years'' and inserting ''first 3 taxable years'', and

(2) by striking ''January 1, 2008'' and inserting ''January 1, 2009''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 230. MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Clause (iv) of section 512(b)(13)(E) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments received or accrued after December 31, 2007.

SEC. 231. QUALIFIED ZONE ACADEMY BONDS.

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1, as amended by sections 106 and 141, is amended by adding at the end the following new section:

''SEC. 54D. QUALIFIED ZONE ACADEMY BONDS.

''(a) QUALIFIED ZONE ACADEMY BONDS.—For purposes of this subchapter, the term 'qualified zone academy bond' means any bond issued as part of an issue if—

''(1) 100 percent of the available project proceeds of such issue are to be used for a qualified purpose with respect to a qualified zone academy established by an eligible local education agency,

''(2) the bond is issued by a State or local government within the jurisdiction of which such academy is located, and

''(3) the issuer—

''(A) designates such bond for purposes of this section,

''(B) certifies that it has written assurances that the private business contribution requirement of subsection (b) will be met with respect to such academy, and

''(C) certifies that it has the written approval of the eligible local education agency for such bond issuance.

''(b) PRIVATE BUSINESS CONTRIBUTION REQUIREMENT.—For purposes of subsection (a), the private business contribution requirement of this subsection is met with respect to any issue if the eligible local education agency that established the qualified zone academy has written commitments from private entities to make qualified contributions having a present value (as of the date of issuance of the issue) of not less than 10 percent of the proceeds of the issue.

''(c) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

''(1) NATIONAL LIMITATION.—There is a national zone academy bond limitation for each calendar year. Such limitation is $400,000,000 for 2008, and, except as provided in paragraph (4), zero thereafter.

''(2) ALLOCATION OF LIMITATION.—The national zone academy bond limitation for a calendar year shall be allocated by the Secretary among the States on the basis of their respective populations of individuals below the poverty line (as defined by the Office of Management and Budget). The limitation amount allocated to a State under the preceding sentence shall be allocated by the State education agency to qualified zone academies within such State.

''(3) DESIGNATION SUBJECT TO LIMITATION AMOUNT.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (a) with respect to any qualified zone academy shall not exceed the limitation amount allocated to such academy under paragraph (2) for such calendar year.

''(4) CARRYOVER OF UNUSED LIMITATION.—

''(A) IN GENERAL.—If for any calendar year—

''(i) the limitation amount for any State, exceeds

''(ii) the amount of bonds issued during such year which are designated under subsection (a) with respect to qualified zone academies within such State,

the limitation amount for such State for the following calendar year shall be increased by the amount of such excess.

''(B) LIMITATION ON CARRYOVER.—Any carryforward of a limitation amount may be carried only to the first 2 years following the unused limitation year. For purposes of the preceding sentence, a limitation amount shall be treated as used on a first-in first-out basis.

''(C) COORDINATION WITH SECTION 1397E.—Any carryover determined under section 1397E(e)(4) (relating to carryover of unused limitation) with respect to any State to calendar year 2008 shall be treated for purposes of this section as a carryover with respect to such State for such calendar year under subparagraph (A), and the limitation of subparagraph (B) shall apply to such carryover taking into account the calendar years to which such carryover relates.

''(d) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED ZONE ACADEMY.—The term 'qualified zone academy' means any public school (or academic program within a public school) which is established by and operated under the supervision of an eligible local education agency to provide education or training below the postsecondary level if—

''(A) such public school or program (as the case may be) is designed in cooperation with business to enhance the academic curriculum, increase graduation and employment rates, and better prepare students for the rigors of college and the increasingly complex workforce,

''(B) students in such public school or program (as the case may be) will be subject to the same academic standards and assessments as other students educated by the eligible local education agency,

''(C) the comprehensive education plan of such public school or program is approved by the eligible local education agency, and

''(D)(i) such public school is located in an empowerment zone or enterprise community (including any such zone or community designated after the date of the enactment of this section), or

''(ii) there is a reasonable expectation (as of the date of issuance of the bonds) that at least 35 percent of the students attending such school or participating in such program (as the case may be) will be eligible for free or reduced-cost lunches under the school lunch program established under the National School Lunch Act.

''(2) ELIGIBLE LOCAL EDUCATION AGENCY.—For purposes of this section, the term 'eligible local education agency' means any local educational agency as defined in section 9101 of the Elementary and Secondary Education Act of 1965.

''(3) QUALIFIED PURPOSE.—The term 'qualified purpose' means, with respect to any qualified zone academy—

''(A) rehabilitating or repairing the public school facility in which the academy is established,

''(B) providing equipment for use at such academy,

''(C) developing course materials for education to be provided at such academy, and

''(D) training teachers and other school personnel in such academy.

''(4) QUALIFIED CONTRIBUTIONS.—The term 'qualified contribution' means any contribution (of a type and quality acceptable to the eligible local education agency) of—

''(A) equipment for use in the qualified zone academy (including state-of-the-art technology and vocational equipment),

''(B) technical assistance in developing curriculum or in training teachers in order to promote appropriate market driven technology in the classroom,

''(C) services of employees as volunteer mentors,

''(D) internships, field trips, or other educational opportunities outside the academy for students, or

''(E) any other property or service specified by the eligible local education agency.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d), as amended by sections 106 and 141, is amended by striking ''or'' at the end of subparagraph (A), by inserting ''or'' at the end of subparagraph (B), and by inserting after subparagraph (B) the following new subparagraph:

''(C) a qualified zone academy bond,''.

(2) Subparagraph (C) of section 54A(d)(2), as amended by sections 106 and 141, is amended by striking ''and'' at the end of clause (i), by striking the period at the end of clause (ii) and inserting '', and'', and by adding at the end the following new clause:

''(iii) in the case of a qualified zone academy bond, a purpose specified in section 54D(a)(1).''.

(3) Section 1397E is amended by adding at the end the following new subsection:

''(m) TERMINATION.—This section shall not apply to any obligation issued after the date of the enactment of this Act.''.

(4) The table of sections for subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 54D. Qualified zone academy bonds.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 232. TAX INCENTIVES FOR INVESTMENT IN THE DISTRICT OF COLUMBIA.

(a) DESIGNATION OF ZONE.—

(1) IN GENERAL.—Subsection (f) of section 1400 is amended by striking ''2007'' both places it appears and inserting ''2008''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to periods beginning after December 31, 2007.

(b) TAX-EXEMPT ECONOMIC DEVELOPMENT BONDS.—

(1) IN GENERAL.—Subsection (b) of section 1400A is amended by striking ''2007'' and inserting ''2008''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to bonds issued after December 31, 2007.

(c) ZERO PERCENT CAPITAL GAINS RATE.—

(1) IN GENERAL.—Subsection (b) of section 1400B is amended by striking ''2008'' each place it appears and inserting ''2009''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1400B(e)(2) is amended—

(i) by striking ''2012'' and inserting ''2013'', and

(ii) by striking ''2012'' in the heading thereof and inserting ''2013''.

(B) Section 1400B(g)(2) is amended by striking ''2012'' and inserting ''2013''.

(C) Section 1400F(d) is amended by striking ''2012'' and inserting ''2013''.

(3) EFFECTIVE DATES.—

(A) EXTENSION.—The amendments made by paragraph (1) shall apply to acquisitions after December 31, 2007.

(B) CONFORMING AMENDMENTS.—The amendments made by paragraph (2) shall take effect on the date of the enactment of this Act.

(d) FIRST-TIME HOMEBUYER CREDIT.—

(1) IN GENERAL.—Subsection (i) of section 1400C is amended by striking ''2008'' and inserting ''2009''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property purchased after December 31, 2007.

SEC. 233. ECONOMIC DEVELOPMENT CREDIT FOR AMERICAN SAMOA.

(a) IN GENERAL.—Subsection (d) of section 119 of division A of the Tax Relief and Health Care Act of 2006 is amended—

(1) by striking ''first two taxable years'' and inserting ''first 3 taxable years'', and

(2) by striking ''January 1, 2008'' and inserting ''January 1, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 234. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(C) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2007.

SEC. 235. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORY TO PUBLIC SCHOOLS.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(D) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2007.

SEC. 236. ENHANCED DEDUCTION FOR QUALIFIED COMPUTER CONTRIBUTIONS.

(a) IN GENERAL.—Subparagraph (G) of section 170(e)(6) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made during taxable years beginning after December 31, 2007.

SEC. 237. BASIS ADJUSTMENT TO STOCK OF S CORPORATIONS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.

(a) IN GENERAL.—The last sentence of section 1367(a)(2) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2007.

SEC. 238. WORK OPPORTUNITY TAX CREDIT FOR HURRICANE KATRINA EMPLOYEES.

(a) IN GENERAL.—Paragraph (1) of section 201(b) of the Katrina Emergency Tax Relief Act of 2005 is amended by striking ''2-year'' and inserting ''3-year''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals hired after August 27, 2007.

SEC. 239. SUBPART F EXCEPTION FOR ACTIVE FINANCING INCOME.

(a) EXEMPT INSURANCE INCOME.—Paragraph (10) of section 953(e) (relating to application) is amended—

(1) by striking ''January 1, 2009'' and inserting ''January 1, 2010'', and

(2) by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) EXCEPTION TO TREATMENT AS FOREIGN PERSONAL HOLDING COMPANY INCOME.—Paragraph (9) of section 954(h) (relating to application) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

SEC. 240. LOOK-THRU RULE FOR RELATED CONTROLLED FOREIGN CORPORATIONS.

(a) IN GENERAL.—Subparagraph (C) of section 954(c)(6) (relating to application) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2008, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

SEC. 241. EXPENSING FOR CERTAIN QUALIFIED FILM AND TELEVISION PRODUCTIONS.

(a) IN GENERAL.—Subsection (f) of section 181 is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to productions commencing after December 31, 2008.

Subtitle C—Other Extensions

SEC. 251. AUTHORITY TO DISCLOSE INFORMATION RELATED TO TERRORIST ACTIVITIES MADE PERMANENT.

(a) IN GENERAL.—Subparagraph (C) of section 6103(i)(3) is amended by striking clause (iv).

(b) DISCLOSURE ON REQUEST.—Paragraph (7) of section 6103(i) is amended by striking subparagraph (E).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to disclosures after the date of the enactment of this Act.

SEC. 252. AUTHORITY FOR UNDERCOVER OPERATIONS MADE PERMANENT.

(a) IN GENERAL.—Subsection (c) of section 7608 is amended by striking paragraph (6).

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on January 1, 2008.

SEC. 253. AUTHORITY TO DISCLOSE RETURN INFORMATION FOR CERTAIN VETERANS PROGRAMS MADE PERMANENT.

(a) IN GENERAL.—Paragraph (7) of section 6103(l) is amended by striking the last sentence thereof.

(b) CONFORMING AMENDMENT.—Section 6103(l)(7)(D)(viii)(III) is amended by striking ''sections 1710(a)(1)(I), 1710(a)(2), 1710(b), and 1712(a)(2)(B)'' and inserting ''sections 1710(a)(2)(G), 1710(a)(3), and 1710(b)''.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to requests made after September 30, 2008.

SEC. 254. INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAX TO PUERTO RICO AND THE VIRGIN ISLANDS.

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2007.

SEC. 255. PARITY IN THE APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS.

Subsection (f) of section 9812 is amended—

(1) by striking ''and'' at the end of paragraph (2), and

(2) by striking paragraph (3) and inserting the following new paragraphs:

''(3) on or after January 1, 2008, and before the date of the enactment of the Renewable Energy and Job Creation Act of 2008, and

''(4) after December 31, 2008.''.

TITLE III—ADDITIONAL TAX RELIEF

Subtitle A—Individual Tax Relief

SEC. 301. ADDITIONAL STANDARD DEDUCTION FOR REAL PROPERTY TAXES FOR NONITEMIZERS.

(a) IN GENERAL.—Section 63(c)(1) (defining standard deduction) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) in the case of any taxable year beginning in 2008, the real property tax deduction.''.

(b) DEFINITION.—Section 63(c) is amended by adding at the end the following new paragraph:

''(7) REAL PROPERTY TAX DEDUCTION.—For purposes of paragraph (1), the real property tax deduction is the lesser of—

''(A) the amount allowable as a deduction under this chapter for State and local taxes described in section 164(a)(1), or

''(B) $350 ($700 in the case of a joint return). Any taxes taken into account under section 62(a) shall not be taken into account under this paragraph.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 302. REFUNDABLE CHILD CREDIT.

(a) MODIFICATION OF THRESHOLD AMOUNT.—Clause (i) of section 24(d)(1)(B) is amended by inserting ''($8,500 in the case of taxable years beginning in 2008)'' after ''$10,000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2007.

SEC. 303. INCREASE OF AMT REFUNDABLE CREDIT AMOUNT FOR INDIVIDUALS WITH LONG-TERM UNUSED CREDITS FOR PRIOR YEAR MINIMUM TAX LIABILITY, ETC.

(a) IN GENERAL.—Paragraph (2) of section 53(e) is amended to read as follows:

''(2) AMT REFUNDABLE CREDIT AMOUNT.—For purposes of paragraph (1), the term 'AMT refundable credit amount' means, with respect to any taxable year, the amount (not in excess of the long-term unused minimum tax credit for such taxable year) equal to the greater of—

''(A) 50 percent of the long-term unused minimum tax credit for such taxable year, or

''(B) the amount (if any) of the AMT refundable credit amount for the taxpayer's preceding taxable year (determined without regard to subsection (f)(2)).''.

(b) TREATMENT OF CERTAIN UNDERPAYMENTS, INTEREST, AND PENALTIES ATTRIBUTABLE TO THE TREATMENT OF INCENTIVE STOCK OPTIONS.—Section 53 is amended by adding at the end the following new subsection:

''(f) TREATMENT OF CERTAIN UNDERPAYMENTS, INTEREST, AND PENALTIES ATTRIBUTABLE TO THE TREATMENT OF INCENTIVE STOCK OPTIONS.—

''(1) ABATEMENT.—Any underpayment of tax outstanding on the date of the enactment of this subsection which is attributable to the application of section 56(b)(3) for any taxable year ending before January 1, 2008 (and any interest or penalty with respect to such underpayment which is outstanding on such date of enactment), is hereby abated. The amount determined under subsection (b)(1) shall not include any tax abated under the preceding sentence.

''(2) INCREASE IN CREDIT FOR CERTAIN INTEREST AND PENALTIES ALREADY PAID.—The AMT refundable credit amount, and the minimum tax credit determined under subsection (b), for the taxpayer's first 2 taxable years beginning after December 31, 2007, shall each be increased by 50 percent of the aggregate amount of the interest and penalties which were paid by the taxpayer before the date of the enactment of this subsection and which would (but for such payment) have been abated under paragraph (1).''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by this section shall apply to taxable years beginning after December 31, 2007.

(2) ABATEMENT.—Section 53(f)(1) of the Internal Revenue Code of 1986, as added by subsection (b), shall take effect on the date of the enactment of this Act.

Subtitle B—Business Related Provisions

SEC. 311. UNIFORM TREATMENT OF ATTORNEY-ADVANCED EXPENSES AND COURT COSTS IN CONTINGENCY FEE CASES.

(a) IN GENERAL.—Section 162 is amended by redesignating subsection (q) as subsection (r) and by inserting after subsection (p) the following new subsection:

''(q) ATTORNEY-ADVANCED EXPENSES AND COURT COSTS IN CONTINGENCY FEE CASES.—In the case of any expense or court cost which is paid or incurred in the course of the trade or business of practicing law and the repayment of which is contingent on a recovery by judgment or settlement in the action to which such expense or cost relates, the deduction under subsection (a) shall be determined as if such expense or cost was not subject to repayment.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenses and costs paid or incurred in taxable years beginning after the date of the enactment of this Act.

SEC. 312. PROVISIONS RELATED TO FILM AND TELEVISION PRODUCTIONS.

(a) MODIFICATION OF LIMITATION ON EXPENSING.—Subparagraph (A) of section 181(a)(2) is amended to read as follows:

''(A) IN GENERAL.—Paragraph (1) shall not apply to so much of the aggregate cost of any qualified film or television production as exceeds $15,000,000.''.

(b) MODIFICATIONS TO DEDUCTION FOR DOMESTIC ACTIVITIES.—

(1) DETERMINATION OF W-2 WAGES.—Paragraph (2) of section 199(b) is amended by adding at the end the following new subparagraph:

''(D) SPECIAL RULE FOR QUALIFIED FILM.—In the case of a qualified film, such term shall include compensation for services performed in the

United States by actors, production personnel, directors, and producers.''.

(2) DEFINITION OF QUALIFIED FILM.—Paragraph (6) of section 199(c) is amended by adding at the end the following: ''A qualified film shall include any copyrights, trademarks, or other intangibles with respect to such film. The methods and means of distributing a qualified film shall not affect the availability of the deduction under this section.''.

(3) PARTNERSHIPS.—Subparagraph (A) of section 199(d)(1) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end the following new clause:

''(iv) in the case of each partner of a partnership, or shareholder of an S corporation, who owns (directly or indirectly) at least 20 percent of the capital interests in such partnership or of the stock of such S corporation—

''(I) such partner or shareholder shall be treated as having engaged directly in any film produced by such partnership or S corporation, and

''(II) such partnership or S corporation shall be treated as having engaged directly in any film produced by such partner or shareholder.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 2007.

(2) EXPENSING.—The amendments made by subsection (a) shall apply to qualified film and television productions commencing after December 31, 2007.

Subtitle C—Modification of Penalty on Understatement of Taxpayer's Liability by Tax Return Preparer

SEC. 321. MODIFICATION OF PENALTY ON UNDERSTATEMENT OF TAXPAYER'S LIABILITY BY TAX RETURN PREPARER.

(a) IN GENERAL.—Subsection (a) of section 6694 (relating to understatement due to unreasonable positions) is amended to read as follows:

''(a) UNDERSTATEMENT DUE TO UNREASONABLE POSITIONS.—

''(1) IN GENERAL.—If a tax return preparer—

''(A) prepares any return or claim of refund with respect to which any part of an understatement of liability is due to a position described in paragraph (2), and

''(B) knew (or reasonably should have known) of the position,

such tax return preparer shall pay a penalty with respect to each such return or claim in an amount equal to the greater of $1,000 or 50 percent of the income derived (or to be derived) by the tax return preparer with respect to the return or claim.

''(2) UNREASONABLE POSITION.—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, a position is described in this paragraph unless there is or was substantial authority for the position.

''(B) DISCLOSED POSITIONS.—If the position was disclosed as provided in section 6662(d)(2)(B)(ii)(I) and is not a position to which subparagraph (C) applies, the position is described in this paragraph unless there is a reasonable basis for the position.

''(C) TAX SHELTERS AND REPORTABLE TRANSACTIONS.—If the position is with respect to a tax shelter (as defined in section 6662(d)(2)(C)(ii)) or a reportable transaction to which section 6662A applies, the position is described in this paragraph unless it is reasonable to believe that the position would more likely than not be sustained on its merits.

''(3) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this subsection if it is shown that there is reasonable cause for the understatement and the tax return preparer acted in good faith.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply—

(1) in the case of a position other than a position described in subparagraph (C) of section 6694(a)(2) of the Internal Revenue Code of 1986 (as amended by this section), to returns prepared after May 25, 2007, and

(2) in the case of a position described in such subparagraph (C), to returns prepared for taxable years ending after the date of the enactment of this Act.

Subtitle D—Extension and Expansion of Certain GO Zone Incentives

SEC. 331. CERTAIN GO ZONE INCENTIVES.

(a) USE OF AMENDED INCOME TAX RETURNS TO TAKE INTO ACCOUNT RECEIPT OF CERTAIN HURRICANE-RELATED CASUALTY LOSS GRANTS BY DISALLOWING PREVIOUSLY TAKEN CASUALTY LOSS DEDUCTIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of the Internal Revenue Code of 1986, if a taxpayer claims a deduction for any taxable year with respect to a casualty loss to a principal residence (within the meaning of section 121 of such Code) resulting from Hurricane Katrina, Hurricane Rita, or Hurricane Wilma and in a subsequent taxable year receives a grant under Public Law 109–148, 109–234, or 110–116 as reimbursement for such loss, such taxpayer may elect to file an amended income tax return for the taxable year in which such deduction was allowed (and for any taxable year to which such deduction is carried) and reduce (but not below zero) the amount of such deduction by the amount of such reimbursement.

(2) TIME OF FILING AMENDED RETURN.—Paragraph (1) shall apply with respect to any grant only if any amended income tax returns with respect to such grant are filed not later than the later of—

(A) the due date for filing the tax return for the taxable year in which the taxpayer receives such grant, or

(B) the date which is 1 year after the date of the enactment of this Act.

(3) WAIVER OF PENALTIES AND INTEREST.—Any underpayment of tax resulting from the reduction under paragraph (1) of the amount otherwise allowable as a deduction shall not be subject to any penalty or interest under such Code if such tax is paid not later than 1 year after the filing of the amended return to which such reduction relates.

(b) WAIVER OF DEADLINE ON CONSTRUCTION OF GO ZONE PROPERTY ELIGIBLE FOR BONUS DEPRECIATION.—

(1) IN GENERAL.—Subparagraph (B) of section 1400N(d)(3) is amended to read as follows:

''(B) without regard to 'and before January 1, 2009' in clause (i) thereof, and''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property placed in service after December 31, 2007.

(c) INCLUSION OF CERTAIN COUNTIES IN GULF OPPORTUNITY ZONE FOR PURPOSES OF TAX-EXEMPT BOND FINANCING.—

(1) IN GENERAL.—Subsection (a) of section 1400N is amended by adding at the end the following new paragraph:

''(8) INCLUSION OF CERTAIN COUNTIES.—For purposes of this subsection, the Gulf Opportunity Zone includes Colbert County, Alabama and Dallas County, Alabama.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the provisions of the Gulf Opportunity Zone Act of 2005 to which it relates.

TITLE IV—REVENUE PROVISIONS

SEC. 401. NONQUALIFIED DEFERRED COMPENSATION FROM CERTAIN TAX INDIFFERENT PARTIES.

(a) IN GENERAL.—Subpart B of part II of subchapter E of chapter 1 is amended by inserting after section 457 the following new section:

''SEC. 457A. NONQUALIFIED DEFERRED COMPENSATION FROM CERTAIN TAX INDIFFERENT PARTIES.

''(a) IN GENERAL.—Any compensation which is deferred under a nonqualified deferred compensation plan of a nonqualified entity shall be includible in gross income when there is no substantial risk of forfeiture of the rights to such compensation.

''(b) NONQUALIFIED ENTITY.—For purposes of this section, the term 'nonqualified entity' means—

''(1) any foreign corporation unless substantially all of its income is—

''(A) effectively connected with the conduct of a trade or business in the United States, or

''(B) subject to a comprehensive foreign income tax, and

''(2) any partnership unless substantially all of its income is allocated to persons other than—

''(A) foreign persons with respect to whom such income is not subject to a comprehensive foreign income tax, and

''(B) organizations which are exempt from tax under this title.

''(c) DETERMINABILITY OF AMOUNTS OF COMPENSATION.—

''(1) IN GENERAL.—If the amount of any compensation is not determinable at the time that such compensation is otherwise includible in gross income under subsection (a)—

''(A) such amount shall be so includible in gross income when determinable, and

''(B) the tax imposed under this chapter for the taxable year in which such compensation is includible in gross income shall be increased by the sum of—

''(i) the amount of interest determined under paragraph (2), and

''(ii) an amount equal to 20 percent of the amount of such compensation.

''(2) INTEREST.—For purposes of paragraph (1)(B)(i), the interest determined under this paragraph for any taxable year is the amount of interest at the underpayment rate under section 6621 plus 1 percentage point on the underpayments that would have occurred had the deferred compensation been includible in gross income for the taxable year in which first deferred or, if later, the first taxable year in which such deferred compensation is not subject to a substantial risk of forfeiture.

''(d) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) SUBSTANTIAL RISK OF FORFEITURE.—

''(A) IN GENERAL.—The rights of a person to compensation shall be treated as subject to a substantial risk of forfeiture only if such person's rights to such compensation are conditioned upon the future performance of substantial services by any individual.

''(B) EXCEPTION FOR COMPENSATION BASED ON GAIN RECOGNIZED ON AN INVESTMENT ASSET.—

''(i) IN GENERAL.—To the extent provided in regulations prescribed by the Secretary, if compensation is determined solely by reference to the amount of gain recognized on the disposition of an investment asset, such compensation shall be treated as subject to a substantial risk of forfeiture until the date of such disposition.

''(ii) INVESTMENT ASSET.—For purposes of clause (i), the term 'investment asset' means any single asset (other than an investment fund or similar entity)—

''(I) acquired directly by an investment fund or similar entity,

''(II) with respect to which such entity does not (nor does any person related to such entity) participate in the active management of such asset (or if such asset is an interest in an entity, in the active management of the activities of such entity), and

''(III) substantially all of any gain on the disposition of which (other than such deferred compensation) is allocated to investors in such entity.

''(iii) COORDINATION WITH SPECIAL RULE.—Paragraph (3)(B) shall not apply to any compensation to which clause (i) applies.

''(2) COMPREHENSIVE FOREIGN INCOME TAX.—The term 'comprehensive foreign income tax' means, with respect to any foreign person, the income tax of a foreign country if—

''(A) such person is eligible for the benefits of a comprehensive income tax treaty between such foreign country and the United States, or

''(B) such person demonstrates to the satisfaction of the Secretary that such foreign country has a comprehensive income tax.

''(3) NONQUALIFIED DEFERRED COMPENSATION PLAN.—

''(A) IN GENERAL.—The term 'nonqualified deferred compensation plan' has the meaning given such term under section 409A(d), except that such term shall include any plan that provides a right to compensation based on the appreciation in value of a specified number of equity units of the service recipient.

''(B) EXCEPTION.—Compensation shall not be treated as deferred for purposes of this section if the service provider receives payment of such compensation not later than 12 months after the end of the taxable year of the service recipient during which the right to the payment of such compensation is no longer subject to a substantial risk of forfeiture.

''(4) EXCEPTION FOR CERTAIN COMPENSATION WITH RESPECT TO EFFECTIVELY CONNECTED INCOME.—In the case a foreign corporation with income which is taxable under section 882, this section shall not apply to compensation which, had such compensation had been paid in cash on the date that such compensation ceased to be subject to a substantial risk of forfeiture, would have been deductible by such foreign corporation against such income.

''(5) APPLICATION OF RULES.—Rules similar to the rules of paragraphs (5) and (6) of section 409A(d) shall apply.

''(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including regulations disregarding a substantial risk of forfeiture in cases where necessary to carry out the purposes of this section.''.

(b) CONFORMING AMENDMENT.—Section 26(b)(2) is amended by striking ''and'' at the end of subparagraph (U), by striking the period at the end of subparagraph (V) and inserting '', and'', and by adding at the end the following new subparagraph:

''(W) section 457A(c)(1)(B) (relating to determinability of amounts of compensation).''.

(c) CLERICAL AMENDMENT.—The table of sections of subpart B of part II of subchapter E of chapter 1 is amended by inserting after the item relating to section 457 the following new item:

''Sec. 457A. Nonqualified deferred compensation from certain tax indifferent parties.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to amounts deferred which are attributable to services performed after December 31, 2008.

(2) APPLICATION TO EXISTING DEFERRALS.—In the case of any amount deferred to which the amendments made by this section do not apply solely by reason of the fact that the amount is attributable to services performed before January 1, 2009, to the extent such amount is not includible in gross income in a taxable year beginning before 2018, such amounts shall be includible in gross income in the later of—

(A) the last taxable year beginning before 2018, or

(B) the taxable year in which there is no substantial risk of forfeiture of the rights to such compensation (determined in the same manner as determined for purposes of section 457A of the Internal Revenue Code of 1986, as added by this section).

(3) CHARITABLE CONTRIBUTIONS OF EXISTING DEFERRALS PERMITTED.—

(A) IN GENERAL.—Subsection (b) of section 170 of the Internal Revenue Code of 1986 shall not apply to (and subsections (b) and (d) of such section shall be applied without regard to) so much of the taxpayer's qualified contributions made during the taxpayer's last taxable year beginning before 2018 as does not exceed the taxpayer's qualified inclusion amount. For purposes of subsection (b) of section 170 of such Code, the taxpayer's contribution base for such last taxable year shall be reduced by the amount of the taxpayer's qualified contributions to which such subsection does not apply by reason the preceding sentence.

(B) QUALIFIED CONTRIBUTIONS.—For purposes of this paragraph, the term ''qualified contributions'' means the aggregate charitable contributions (as defined in section 170(c) of such Code) paid in cash by the taxpayer to organizations described in section 170(b)(1)(A) of such Code (other than any organization described in section 509(a)(3) of such Code or any fund or account described in section 4966(d)(2) of such Code).

(C) QUALIFIED INCLUSION AMOUNT.—For purposes of this paragraph, the term ''qualified inclusion amount'' means the amount includible in the taxpayer's gross income for the last taxable year beginning before 2018 by reason of paragraph (2).

(4) ACCELERATED PAYMENTS.—No later than 120 days after the date of the enactment of this Act, the Secretary shall issue guidance providing a limited period of time during which a nonqualified deferred compensation arrangement attributable to services performed on or before December 31, 2008, may, without violating the requirements of section 409A(a) of the Internal Revenue Code of 1986, be amended to conform the date of distribution to the date the amounts are required to be included in income.

(5) CERTAIN BACK-TO-BACK ARRANGEMENTS.—If the taxpayer is also a service recipient and maintains one or more nonqualified deferred compensation arrangements for its service providers under which any amount is attributable to services performed on or before December 31, 2008, the guidance issued under paragraph (4) shall permit such arrangements to be amended to conform the dates of distribution under such arrangement to the date amounts are required to be included in the income of such taxpayer under this subsection.

(6) ACCELERATED PAYMENT NOT TREATED AS MATERIAL MODIFICATION.—Any amendment to a nonqualified deferred compensation arrangement made pursuant to paragraph (4) or (5) shall not be treated as a material modification of the arrangement for purposes of section 409A of the Internal Revenue Code of 1986.

SEC. 402. DELAY IN APPLICATION OF WORLDWIDE ALLOCATION OF INTEREST.

(a) IN GENERAL.—Paragraphs (5)(D) and (6) of section 864(f) are each amended by striking ''December 31, 2008'' and inserting ''December 31, 2018''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 403. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

(a) REPEAL OF ADJUSTMENT FOR 2012.—Subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking the percentage contained therein and inserting ''100 percent''.

(b) MODIFICATION OF ADJUSTMENT FOR 2013.—The percentage under subparagraph (C) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 in effect on the date of the enactment of this Act is increased by 37.75 percentage points.

The SPEAKER pro tempore. The gentleman from New York (Mr. RANGEL) and the gentleman from Louisiana (Mr. MCCRERY) each will control 30 minutes.

The Chair recognizes the gentleman from New York.

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

My friends and colleagues, we now have an opportunity to reverse the trend that this great Nation has bound itself to, and that is, the addiction to oil as well as the lack of will to do something about it.

This great country has faced up to many crises, and the oil shortage just happens to be one. The question is do we have the will to look and to research and to find alternative means in which to meet the needs of this great Nation.

Under the leadership of Speaker PELOSI, I think today is the day that all of us are going to be proud of the initiatives that we have taken, the opportunities that are going to be given, the jobs that are going to be created, and the excitement in being able to say that the United States need not look to any Nation because of their vast resources in oil because we have the ingenuity and the ability to find alternatives.

It is endless the possibilities that this will pursue in encouraging the production of electricity from renewable sources, using the wind, solar, biomass, geothermal, hydropower, landfill gas and solid waste.

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We even go as far as to have coal electricity plants.

It is a great opportunity for us and the world to explore these new areas that we just were too lazy or found no need to do, encouraging energy efficient products such as plug-in hybrid cars and incentives for conservation of energy in our buildings, whether they're residential or whether they're commercial. And I find it very exciting that we allow local government, that knows their communities better than we ever could, to issue tax credit bonds to further explore how we can conserve energy.

I think this is merely a beginning, but it is an historic beginning that defies party lines. I do hope that we thank the Speaker and the chairman of the committee, the staffs who came together after working years on this project, to come together with a bill that's the beginning of the one that could be a new day for America, a new day for the world as we release our addiction and dependency on fossil fuel.

There is another part of this bill that I come to you with mixed feelings and yet ask your support. It's called the extenders. What are the extenders, for the new Members? It's when people want bills passed, but they put expiration dates on them in order to hide the real cost of the bill.

I think that the ranking member of the Committee on Ways and Means and I agree that we have so much garbage in this bill that soon I hope someone would have the courage to take a look at the tax bill that we have and strip it of the preferential treatment and get down to making the bills that we want permanent, and those that should not be permanent, just to kick them out.

I think it's a disgrace that we have a stimulus package and we have to target the middle class in order to be given handouts because they don't have enough money under our tax system to put food on the table, to provide tuition for their kids and put clothes on their back. We target them as being people who cannot afford to save and plan for the future. I think it is a disgrace for the Congress to have a tax system that way.

But because we make commitments and because some of these laws are good and efficient and because we don't have the money at this point in time to make it permanent, we come to you and ask you to support the extenders. These extenders include research and development, standard deduction for property taxes for non-itemizers. We have provisions in here to help Katrina. Expanded child credits. We make it more equitable how attorneys can write off their investments before the end of a case. We also make it equitable for the moving picture industry to get the same benefits that other industries get as relates to job credit.

This is one heck of an opportunity, I think, for us to move this forward in a short way. It's only a 1-year extension, which means that the next administration hopefully will be more progressive in terms of cleaning up the code and making permanent what should be made permanent. It is not paid in controversial taxes. We remove preferences for income that is made overseas and avoid tax liability, as well as tax benefits yet to be received. So there is no pain there.

I ask unanimous consent at this time to yield the remainder of my time to the gentleman from Washington, Dr. MCDERMOTT, for purposes of managing the bill, and to thank him and so many others on the Ways and Means Committee for their leadership, their patience, and being able to bring this bill to the floor. I'm fairly confident that we will have very little problem in the Senate and have this passed into law.

So remember the date. It's historic in nature. And remember the role that you played in supporting this revolutionary approach to avoid the dependency on fossil fuel for our great Nation.

The SPEAKER pro tempore. Without objection, the gentleman from Washington will control the time.

There was no objection.

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

Mr. Speaker, I rise in opposition to the legislation before us today and urge all of my colleagues to vote against it today.

Most critically, the bill claims to be a package of tax extenders, but fails to deal with the biggest and most pressing extender in the code, the AMT patch, the alternative minimum tax patch. This is a missed opportunity. We should have included that in this bill of other expiring provisions in the code.

The majority's failure to extend this patch for 2008 would mean an additional 21 million—mostly middle class—individuals and families would be ensnared by the alternative minimum tax. As a result, affected families will pay an additional $61.5 billion in taxes for this year. This oversight—this neglect, I think—is the single largest flaw in the bill.

The majority, I'm sure, will claim during today's debate, just as they did during committee markup, that they will address the AMT before adjourning this year, just not now. Surely our experience from 2007, when the AMT patch wasn't enacted until the day after Christmas, suggests that maybe we ought to begin acting on this now and not just run down the shot clock. Mr. Speaker, it simply does not make sense to vote to extend dozens of tax provisions, some for several years, without also dealing with the biggest and most far-reaching expiring provision, the AMT patch.

The bill also clings to the mistaken view that the House's PAYGO rules require us to raise taxes in order to prevent tax increases. I was pleased last year that, when the House finally did pass the AMT patch, we recognized the foolishness of applying PAYGO to expiring tax provisions, and I'm disappointed that that bipartisan approach is not being followed here today.

Simply put, we shouldn't have to pay to extend current law. This is not paying for a new tax cut in the main. Most of this bill is extending current law.

As we stare at the prospect of a more than $3.5 trillion tax increase baked into the budget by the majority's misguided PAYGO rules, I think it will become even more obvious in the years to come why Congress should not have to raise taxes to prevent a tax increase.

If the majority was ever willing to offset tax provisions with spending cuts, I might view this a little differently. But this bill shows once again that the only tool the majority has to meet its PAYGO requirements is the hammer of tax increases. It's little wonder, then, that to them every problem looks like a nail.

As I documented many times last year and during our committee markup last week, Washington doesn't have a revenue problem. We're getting enough revenues. We're already collecting more in taxes as a percent of our GDP than the historical average of revenues coming into Washington. That's not the problem. The problem is spending. So how many times have we had PAYGO rules be adopted and followed in this House using spending cuts to pay for extending current tax law? Zero.

Mr. Speaker, the continued use of tax increases to pay for extending current law is unacceptable to this ranking member of the Ways and Means Committee, and I hope will be objectionable to a majority of the Members of this House. In fact, this bill not only contains tax cuts, it actually does increase spending. There are items in this bill that score as spending—expanding refundable tax credits, the New York Liberty Zone project. Those score as spending. So we're increasing spending in this bill, and we're paying for that with tax increases.

In addition to those two provisions, the bill contains numerous other new temporary and permanent provisions, undermining the claim that the bill is merely extending current law. Some of the new provisions might be meritorious, but a few of those I think deserve closer examination.

For example, some of my colleagues may be surprised to know that there is a nearly $1.6 billion special tax break for trial lawyers in this bill. The provision overrides developing case law and lets lawyers using certain types of contingency fee arrangements to deduct sooner their expenses. CBO's Joint Tax Committee scores this as costing the taxpayers $1.6 billion over the next 10 years. Now, this provision was not the subject, that I'm aware of, of any hearings or examination by the committee, and yet it's in this bill today.

I would hope that before we make such a significant change in tax law costing taxpayers $1.6 billion, all going to one very narrow set of people in this country, trial lawyers, that we would want to have a hearing on that and flesh it out to see if maybe it could be crafted better, or whether, in fact, it's of any value at all to the country.

This bill also revisits the ''green pork'' tax credit bonds that were much discussed during the energy debate in 2007. These are the same bond proceeds, remember, that could be used for all sorts of dubious projects, maybe hybrid snowmobiles in Aspen, or maybe a new Wal-Mart with a couple of solar panels out front.

State and local governments using the bond proceeds don't even have to certify that the projects will reduce fossil fuel consumption or greenhouse gas emissions. Unfortunately, the majority rejected a sensible fix for this oversight when this was offered last year.

We know how this is all going to end. It will end with the passage of an AMT patch without offsets, like last year, and probably many extenders being approved without tax increases. More than 40 Senators have signed a letter pledging to oppose a package such as the one before the House today. And even if it somehow squeaks by the Senate, the President has indicated he would veto this bill.

Mr. Speaker, it's unfortunate that the majority has chosen against moving a bill on expiring provisions that could have had bipartisan support and instead have opted for the measure before us.

Given that its fate has already been sealed—it won't become law—I am comforted to know that we will have another chance to consider this legislation this year. I hope it's sooner rather than later so that we're not here in December once again scrambling to deal with these issues.

We can do better than what's before us today. Let's get rid of this, start over, and bring a good bill back.

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

GENERAL LEAVE

Mr. MCDERMOTT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 6049.

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

There was no objection.

Mr. MCDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I have a great deal of affection and I have a great deal of respect for the ranking member on the other side, but you are dead wrong on this.

First of all, you talk about this side of the aisle not being able to pass AMT. We did pass legislation, and your side sunk it. The alternative minimum tax would be gone, it would be abolished, there would be nada there, but you decided, for whatever reason, that you didn't want to pay for it. That's the problem.

Now, my friends on the other side of the aisle are determined not to support this legislation. It should be noted that entities such as Goldman Sachs—I mean, these are not, most of the time, our friends—Bank of America, Caterpillar, Ford, Deere, and Prudential disagree with you, and they publicly support the legislation.

Connect the dots here. After all, a number of important provisions, such as the critical research and development credit, the election to deduct State and local general sales tax, the 15-year straight-line cost recovery for qualified leasehold improvements, and the election to expense brownfields environmental remediation costs have already expired. These provisions are so important to American businesses and consumers, and the time to renew them is now.

There are a wide array of important provisions here, from renewable energy incentives to middle class tax cuts. I want to add how grateful we should all be to Chairman RANGEL for his decision to include a 1-year extension on the active financing rules critical to global competitiveness of U.S. financial services and companies. Those companies in this country that export are at a tremendous disadvantage. We are not playing on a level playing field. Active financing rules provide American companies with the level playing field necessary to compete in the global marketplace. Most other countries don't try to extract any taxes on its companies' foreign-based operations.

The SPEAKER pro tempore (Mr. ROSS). The time of the gentleman from New Jersey has expired.

Mr. MCDERMOTT. I yield the gentleman an additional 10 seconds.

Mr. PASCRELL. Subjecting our businesses to both foreign and American corporate taxes puts them at a competitive disadvantage.

I would add this, in conclusion, these are the kind of actions that will help create fair trade in America. You cannot be against that, in all fairness.

Mr. MCCRERY. Mr. Speaker, in fact, I agree with much of what the gentleman just said. I'm happy to hear him endorse many provisions that we, I think wisely, put into the Jobs bill several years ago when we were in the majority. So it's not those provisions that I oppose, it's the tax increases in the bill to pay for just extending current law that I'm opposed to. And I want to make that clear. I like the provisions the gentleman mentioned.

□ 1415

At this time, Mr. Speaker, I would yield 2 minutes to the ranking member of the Trade Subcommittee of the Ways and Means Committee, the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, like many of my colleagues, I want to express my support for the tax relief included in today's legislation, provisions such as the research and development tax credit and the active financing exception that help our employers stay competitive and the extension of the renewable energy tax incentives.

However, I cannot support this bill as written. First, it continues the negative trend the Democrat majority has followed by permanently increasing taxes to pay for temporary extensions of existing tax law. Given the wide-ranging tax relief that is set to expire in the coming years, the Democrats' PAYGO logic would require us to raise taxes by more than $3.5 trillion between now and 2018.

Secondly, the bill ''dodges'' extending the middle class alternative minimum tax patch, without which 24 million taxpayers will pay an average of $2,400 in AMT taxes in 2008 alone. We waited until the 11th hour to extend this relief in 2007. We cannot do so again.

Tragically, the House Democrats refuse to work on these issues on a bipartisan basis. Their tax increase approach has been tried and tried again, and for what we have seen in the other body and from what the White House has said, it will fail again. The longer we delay passing a realistic extenders bill, the longer American employers and taxpayers go without this critical tax relief.

Mr. Speaker, I urge a ''no'' vote on this legislation.

Mr. MCDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. I thank the gentleman for yielding the time.

Mr. Speaker, this legislation is pro-environment, it's business friendly, and it's paid for.

I don't know how anybody on the other side can mention the words ''alternative minimum tax'' with a straight face. They had sufficient opportunity in the last session of the Congress to vote for a responsible alternative minimum tax repeal. I know. I authored the legislation. They all voted against it.

I want to thank CHARLIE RANGEL today for his hard work. There are a number of business and individual tax incentives that lapsed in January of this year. There was urgency to getting it done, and we did precisely that. In my home State of Massachusetts this means that 94,000 teachers will get a deduction for out-of-pocket expenses for classroom supplies. It means that a thousand businesses in Massachusetts will get some credit for the millions they spend on research here in the United States. Without this bill 121,000 families in Massachusetts cannot take deduction for college tuition expenses.

This bill provides significant and real tax relief to millions of families nationwide and for some very low income families it will provide a new benefit. There are 111,000 children in Massachusetts whose families will get a higher tax credit because of this bill.

There are an additional 32,000 children and families in Massachusetts who are currently shut out of the child tax credit because of the threshold for earnings that must exceed rises each year for inflation. They're simply too poor for the tax credit. This bill lowers the threshold so that these working families can benefit from the child tax credit just like other families.

These are well-crafted positions, and we don't have time to mention them all. But I want to tell you in the 20 years I have been in this House, this is one of the best pieces of legislation that I have been associated with. It provides tax relief, but at the same time it's pro-environment.

I hope that Members of this House on both sides will support this legislation.

Mr. MCCRERY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Michigan (Mr. CAMP), the ranking member of the Health Subcommittee on the Ways and Means Committee.

Mr. CAMP of Michigan. I thank the gentleman for yielding.

Mr. Speaker, it's surprising how well the Democrat majority can turn good ideas like the extension of tax relief into bad legislation. Now, we have seen it before and it usually ends in gridlock. And, frankly, the American people are tired of the majority party's record of stalemate and zero accomplishment. But here we go again with another bill that is headed nowhere.

This bill could have easily passed the Ways and Means Committee and passed on the floor with an overwhelming bipartisan majority of votes. It failed to get a majority of Republican votes in committee and will likely fail to get a Republican majority here today on the floor.

Interestingly, a lot of what is in this package was written when Republicans were in the majority. The Republican bill was devoted to tax incentives; the

Democrat bill focuses on tax increase. This is a fundamental difference between our two parties.

It is a real missed opportunity not to deal with the alternative minimum tax, which means higher taxes for more and more Americans. That's why you're seeing key groups oppose this bill like the National Taxpayers Union, Citizens Against Government Waste, Americans for Tax Reform, Alliance for Worker Freedom, Americans for Prosperity, and Club for Growth.

So what the Democrats give with one hand they take with the other. They'll use words like ''PAYGO'' and ''revenue raisers,'' but the fact of the matter is those innocent-sounding words really mean tax increases. Permanently increasing taxes to pay for temporary tax incentives is a losing deal for the American people.

Congress will be confronted with many more expiring tax provisions in the coming years, and if the Democrats continue with this flawed logic, taxpayers will be hit with more than $3.5 trillion in tax increases between now and 2018 simply to maintain current law. With $3 and possibly $4 of gas and higher grocery bills, a sluggish economy, and a downturn in the housing market, the American public cannot afford higher taxes.

We don't need a fortune teller to tell us that, just like many of the other bills House Democrats have passed that included tax increases, this bill again is dead on arrival in the United States Senate. So we will be back here again at some point debating this bill again. So after we get through with today's exercise, hopefully we can get down to business and write a bill that will gain a majority of bipartisan support.

I urge my colleagues to reject increasing taxes and vote ''no'' on this legislation.

Mr. MCDERMOTT. Mr. Speaker, I understand from my distinguished colleague from Michigan that this bill is headed for nowhere.

Are you talking about the White House?

Mr. CAMP of Michigan. Will the gentleman yield?

Mr. MCDERMOTT. No, I'm going to let the gentleman from Michigan (Mr. LEVIN) have 2 minutes.

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

Mr. LEVIN. Mr. Speaker, this legislation has vital energy provisions. Vital. It has important tax provisions, including the R&D tax credit.

So here we hear the Republicans opposing it. They did not know how to govern effectively when they were in the majority, and they're showing today they don't know how to oppose effectively when they're in the minority.

They criticize PAYGO. Their creed is ''pay-no.'' They don't want to pay for anything. They oppose a tax provision to close a loophole, an egregious one, and they call that a tax increase. They say this is their principle: Don't pay for extending current tax law, even though the reason it meets its end is because they didn't want to extend it a few years ago and increase the deficit. What illogic.

They say do further with the extenders, but they don't want to pay for it. They say do more right now on the AMT but don't pay for it.

We're going to keep working on the AMT. We're going to keep trying to pay for it. The reason this may not succeed in the Senate is because of the minority Republicans and in the White House.

I think the public is tired of this blockade. We will keep moving ahead and I hope with success. It's time to act. I hope there will be some minority support for this bill.

Mr. MCCRERY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BRADY), a distinguished member of the Ways and Means Committee.

Mr. BRADY of Texas. Mr. Speaker, I don't know what's being sold around here today, but there is nothing revolutionary about this bill. There are some good things in it, no question. But it is dangerously incomplete and it is tainted.

It includes a last-minute special interest provision that no one in America has ever had a chance to look at or consider. It is not revolutionary because it includes extensions of what's already law in America today, the research and development tax credit, that's so important to innovation America. The State and local sales tax deduction, important for families to deduct what they pay in sales taxes from what they owe Uncle Sam because sales taxes really add up fast, especially for younger families. Energy provisions, which are important for us to do renewable alternative fuels. All that is very good. Everyone supports it.

This bill is dangerously incomplete because it does not address a huge looming tax increase on most of middle class America. The alternative minimum tax, the second tax, that families find when they do their taxes or do their software for taxes, and they're okay, they don't owe Uncle Sam anything. We catch them with a second tax. And we said over the years that we'll do away with that. Republicans did do away with that second tax. Unfortunately, President Clinton vetoed it, and we live with it today.

This bill does nothing to stop the alternative minimum tax, the second tax, on American families, and we need to act now, not later to do that.

It is tainted because it includes a provision, $1.6 billion, a new tax break, for one special interest group, plaintiffs' attorneys with contingency fees. The wealthiest 1 percent of attorneys in America will receive $1.5 billion more of your money.

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

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

Mr. BRADY of Texas. Mr. Speaker, the wealthiest 1 percent of attorneys in America will receive a tax break courtesy of you, the taxpayers. Yet we won't do more to help the refundable child tax credit. Those are single parents who are usually raising one or two kids and working several jobs. We offered the amendment. Instead of helping a trial lawyer buy a second private jet, why don't we help a waitress who's trying to raise her kids? Wouldn't that be a fair use of help and dollars?

So I oppose this bill. I believe we ought to do these extensions, and I believe this bill does not deserve support.

Mr. MCDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. I thank the gentleman for yielding.

Mr. Speaker, I'm surprised to hear my Republican friends talk about their dismay that AMT is not in this package. AMT was not in the President's budget, not one nickel, not one cent. I never heard one word in the Ways and Means Committee, not a word that I can recall, of dismay from my Republicans that the President didn't address AMT.

This bill before us is to address a number of expiring provisions including energy. Good gosh, with oil approaching $130 a barrel, you would think we could bust out an energy portion and make an immediate response. The American people deserve no less.

Just take, for example, one provision: The wind production tax credit expires at the end of the year. But to be effective, a wind power plant has to be invested, constructed, and turning energy in order to qualify under the 2008 provision for the production tax credit. What that means in real terms is that already activity is being placed at risk. Financing packages are being denied for growing wind power in this country.

□ 1430

Our upside potential on harnessing power for wind is immense. But even the, I'd say paltry, 1-year extension under the bill, because this industry deserves much more than 1 year, is placed at risk now by Republican opposition.

Fundamentally, we believe if we are going to extend these tax provisions, we need to find revenue offsets so that we don't drive the deficit deeper. I think what this debate is really about is a very different vision. They're happy to just run up the debt even deeper by extending these provisions without the pay-fors. We refuse to do that. As important as these provisions are, we are not going to let our kids pay for them. We will pay for them right here and now by finding the appropriate offsets.

So for the interest of the people in this country in getting renewable energy sources, especially wind power, let's advance this legislation.

Mr. MCCRERY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. I thank the gentleman for yielding.

I listened to my good friend, CHARLIE RANGEL, the Chairman of the Ways and Means Committee, from New York, a while ago, and he was talking about all these areas where we are going to get additional energy. There were some great ideas there. The problem is many of them are going to take a long, long time before we get the job done.

Right now, people in this country are paying close to $4 a gallon for gasoline, and the issue is we have a supply of oil in this country that will take care of most of the problem. We can drill in the ANWR and get a million to 2 million barrels of oil a day. That is three-and-a-half times the size of Texas, Alaska is, and we can't do it because they say it's environmentally dangerous. We can drill off the Continental Shelf and get a million to 2 million barrels of oil a day. They won't let us drill off the Continental Shelf, and yet Cuba is going to drill within 50 miles of the United States and give the oil to China.

They are using all these environmentally questionable issues to keep us from drilling for oil in this country to be energy independent. We have been talking about energy independence for 30, 40 years, and we haven't done a darn thing about it. The Speaker said here not long ago, about 2 years ago, they were going to do something about skyrocketing gas prices when it was $2.33 gallon. Now it's approaching $4 a gallon and we can't even drill for oil that's in our country to reduce the cost of gasoline.

The American people want solutions. They want Democrats and Republicans to come together and do what is necessary to help them with their energy problems. They want us to work together. We need to have some balance between environmental concerns and the cost that we need to deal with regarding this economy, and that means we need to lower the price of energy, especially gasoline, so people can get to and from work and deal with the problems they face on a daily basis. There's no question about that. Gasoline should not be $4 a gallon, and we can lower it if we drill for oil in our country.

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

Mr. MCCRERY. Mr. Speaker, I yield the gentleman an additional 30 seconds.

Mr. BURTON of Indiana. While we are talking about the long-term problems of energy and dealing with new technologies, and we are all for that, we have to deal with the immediate problem, and the immediate problem is drill for oil in this country, build more refineries so we can get that oil to market and lower the gas prices like the Americans want it be to lowered back down to around $2 a gallon or less.

We can do it. But we will never do it unless we work together, Democrats and Republicans. All I hear from the other side of the aisle is, No; we have to worry about the environment. There has to be a balance between environment and economic concerns, and we are not doing it.

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

Today, we are going to approve a plan that will produce significant new energy resources for the American people. We have passed this bill four times. Mr. BRADY is right. There is nothing new here. We keep passing it and passing it and the oil companies keep killing it.

What you're hearing today, just the last speaker says, let's drill in the Arctic National Wildlife Refuge or go hat in hand to OPEC and say, Please produce more oil. Or let's have some more secret meetings down in the White House with the Vice President and design a new tax policy that will get our oil prices even higher. They met in the first months in the White House and decided how to drive up the oil prices for the oil companies.

We are going to implement a tax plan that uses the Tax Code to produce renewable energy to put us on a path to providing our children with an energy-independent future. The plan creates incentives for America to apply technology and use practices to use energy more efficiently than the way we are presently doing.

There was a time a long time ago when the United States led in alternative energy. But now Denmark, Japan and Germany are far ahead of us because of 8 years of this present administration and their attitudes toward alternative energy.

With this legislation, we'll take a big step toward regaining our leadership in the manufacture and deployment of renewable energy. This legislation will not only create jobs in what may be the world's largest emerging industry, but it will be a blueprint for the energy policy for the 21st century.

We need to end our addiction to oil, and that's what this bill is about. I urge my colleagues to support it this time.

I reserve the balance of my time.

Mr. MCCRERY. Mr. Speaker, I yield 3 minutes to the distinguished minority whip, the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. I thank the gentleman for yielding me the time.

We are for extending these good tax policies on research and development, we are for extending these good tax policies on energy research particularly. As Republicans, as conservatives, as people who actually brought these tax policies to the table to start with, of course we are for them.

Now a 1-year extension is not the right amount of time. We can debate that. I hope we have time to because this is not the last day we are going to see this bill. If you're really serious about energy research, try to go to borrow money with a 1-year plan. You can't borrow money with a 1-year plan. You can't take a chance with a 1-year plan. You can't hire people with a 1-year plan. Surely, everybody here knows that.

If we were really serious about extending these policies, we would be sending signals that we are committed to these policies for a long time. But we are for the policies that we are talking about in current law. We are not nearly as excited about the new things that are added; the tax breaks for lawyers who have taken a case on contingency and now want taxpayers to subsidize their dealing with that case by these new ideas in the Tax Code. But we are for the continuation of good policies. But we are not for believing that to continue good tax policies, you have to pay for those by taxing other people.

If these tax policies are good enough for now, they are good enough to continue to be the policies of the future. This House decided last year on the alternative minimum tax that, well, we don't want more people to slip into that bad tax situation so we are going to move forward without having taxes that replace what would happen if we didn't try to maintain the current status of taxes.

That is what we are for, maintaining current policies, giving them as much life as possible, and not assuming that other taxpayers have to suffer in an economy that we need to be sending signs of growth and productivity to, not signs of more ideas for the Federal Government to increase taxes.

I hope we can come back to a bill that extends good policy, that does it for a longer period of time, and doesn't seem to feel it's necessary to tax other people to extend policies that are working in the Tax Code today.

Mr. MCDERMOTT. Mr. Speaker, I would remind the gentleman from Missouri that during the 6 years that the Bush administration had a rubber-stamp Congress up here, they put it out 1 year at a time. Now you want us to make it long. We will see.

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

Mr. EMANUEL. The prior speaker said you can't have a plan for 1 year. What he didn't mention is that the Bush administration and the Republican Congress hadn't had a plan for 7 years, and look where it's gotten us.

The fact is a lot of people want to talk about you have to have a balanced approach. That's true. You do have to have some drilling. There are 9,300 permits owned by the oil companies here in the United States for drilling that they do not use. Close to 72 percent. They don't use. They are not drilling. Could alleviate today. They are waiting for the price to increase before they drill. Those permits have been issued. So that is part of a plan.

What we are talking about today is seizing future energy sources, be that wind, solar, biomass. In fact, today, the

Wall Street Journal, lead story, the Pentagon knows and it is launching, according to the headline, an alternative fuels strategy. The Pentagon knows that. Corporate America is investing in alternative energy sources. They know that. The American consumer knows you have got to have a different strategy than the one that depends only on oil. The only people that don't know that you need to have a diverse energy policy is the White House and sometimes I believe some of the Republican Members of Congress here.

We need an energy policy so it begins to invest in 21st century energy sources, like wind and solar, and stop subsidizing 20th century energy sources, which is only oil. This gives us an agenda, a strategy to look to the future, build new technologies, new industries that will employ hundreds of thousands of people, and invest and give America its energy independence.

Second, it does not cost the American taxpayer. This is a paid-for piece of legislation by closing offshore deferrals where a lot of people hide their income in offshore deferrals. In fact, Congressman MCCRERY and Senator GRASSLEY both acknowledge it is a decent way to pay for something. Whether they agree for this, they do agree it's a legitimate pay-for.

Third, there's a lot of talk about middle class and the suffering in the middle class. This legislation provides property tax relief for middle class families.

Remember that this is the first step toward energy independence and making sure that we build on the progress we have made, such as CAFE standards for cars.

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

I assure the gentleman from Illinois that despite the fact there might be 9,300 permits to drill out there that aren't being utilized, I am sure there are good reasons for not utilizing those permits. I can assure the gentleman that if we opened up ANWR, if we opened up the Continental Shelf and more parts of the Gulf of Mexico, we would have domestic oil companies taking advantage and drilling to produce.

Mr. EMANUEL. Will my colleague yield?

Mr. MCCRERY. I would be happy to yield.

Mr. EMANUEL. We can have a legitimate debate about Alaska. We have had 20 years of it. What I am suggesting, and you would agree that Alaska is 10 years down the road.

Mr. MCCRERY. I don't agree with that.

Mr. EMANUEL. Alaska is not today. There are 9,300 permits that have been issued today for onshore drilling not being exercised by the oil companies.

Mr. MCCRERY. Reclaiming my time, I don't quarrel that that may be correct. But it's beside the point. There may be legitimate reasons why those particular permits are not being utilized. But the fact is, by law our companies cannot drill in ANWR, they cannot drill in the Outer Continental Shelf beyond a few areas in the Gulf of Mexico. And that is wrong.

Look, my 14-year-old son this morning, I am driving him to school and the radio report came on that oil hit $130 a barrel, and my son says, Dad, why don't we just tell OPEC to produce more oil? Well, he's a pretty smart kid. That would help. But I said, Son, if we told OPEC to drill for more oil and then they turned it around and said, Well, why doesn't the United States drill for more oil.

Mr. EMANUEL. Would the gentleman yield?

Mr. MCCRERY. No, I've already given you some time.

The SPEAKER pro tempore. The gentleman from Louisiana controls the time.

Mr. MCCRERY. What if they told us, Why doesn't the United States drill for more oil, what would our answer be? We don't know, because Democrats for years have blocked every sensible environmentally sound plan to explore and develop known resources here in this country, and that is a shame. We ought to have a balanced energy policy. Yes, alternative sources that we Republicans put in legislation several years ago, passed the bill, I believe, in 2005, and began a lot of these credits that we are extending today. We agree with that.

Mr. EMANUEL. Will you yield for a second?

Mr. MCCRERY. Let us develop the resources we know we have, the proper fuel resources that can help immediately.

Mr. EMANUEL. Just one second.

The SPEAKER pro tempore. The gentleman from Louisiana controls the time.

Mr. MCCRERY. Thank you, Mr. Speaker.

I yield 2 minutes to the gentleman from Nebraska (Mr. TERRY).

□ 1445

Mr. TERRY. Mr. Speaker, I really believe that we need to have our own American-made energy, and we have the resources here. I have been a leading advocate in Energy and Commerce on alternative energies, on wind, solar, geothermal, closed-loop biomass and cellulosic ethanol, and these tax credits, I think, are important in that process. We need to have a complete portfolio that includes alternatives, these types of alternatives. But I have to say that I am disappointed greatly in the fact that we are extending these for 1 year.

I have sat down with the leading folks in especially wind energy. And, by the way, let's not confuse these sources that generate electricity with putting fuel in our cars. Most of these generate electricity, like wind. We need it. But they can't take their business plan to the bank on a 1-year tax credit. They said they need at least a 5-year, and prefer a 10-year.

If we are very serious about making alternatives part of our energy portfolio, we need a 5- to 10-year plan to extend these tax credits. Otherwise, we are just simply perpetrating a hoax upon the American public that is looking towards Congress to find a way to alleviate the pressures of high gas costs. It is about what they are paying when they pull up to the pumps. So if we are serious about it, let's do a long-term tax credit bill that is actually going to be usable by the folks that want to invest in these alternatives.

Yes, we do a little bit better job on solar. I am surprised that they pulled one out and treated that so specially, when all the others are just so meritorious. And, by the way, I am not sure we have gotten to the technology yet where we can have wind panels and solar panels operating our cars for us. They can generate electricity if we want to do a plug-in, but even that we are not doing a long-term plan for.

Mr. MCDERMOTT. Mr. Speaker, could I inquire how much time remains on both sides.

The SPEAKER pro tempore. The gentleman from Washington has 12½ minutes remaining. The gentleman from Louisiana has 4½ minutes remaining.

Mr. MCDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Mr. Speaker, I thank the gentleman from Washington State.

I want to commend Mr. RANGEL and Mr. NEAL for an outstanding piece of legislation that they have put before us. I am particularly pleased with the extension of credits as it relates to fuel cell and geothermal technology, but wind and solar as well. To extend these credits in a manner that will allow us to become energy independent is something that is long overdue for this Nation. Let us hope that our colleagues on the other side are able to join us in making sure that we take a positive step forward for the future of energy independence.

What seems apparently is the stumbling block on the other side is that we are providing that we pay for this, and that we are doing so by, well, taxing a group of people who otherwise go untaxed and yet reap all the benefits of this great Nation. But those poor hedge fund guys who sequester their funds offshore and are making millions of dollars, to subjugate them to a tax, oh, just the thought of it sends a shudder up the spines of our dear friends on the other side. Imagine the people back home, the people that they talk about, that Mr. BURTON said need this relief immediately. But to do so by taxing offshore hedge funds? Well, we can't have a part of that.

It is time for this country to get serious about energy independence. It is time for us to step up to the plate and for Americans to understand that people who are making funds offshore paying no taxes ought to contribute to making sure that we are able to move

this Nation forward in the direction of energy independence.

I commend Chairman RANGEL and RICHARD NEAL for this fine proposal.

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

Mr. Speaker, if my good friend Mr. LARSON's description of the tax increase in the bill were correct, I wouldn't have any quarrel with it. However, the provision affects more than just offshore hedge fund managers. It affects any employee working for a company based offshore in any business. So it is much broader than the gentleman described, and that is the main reason that I oppose that provision in its current form.

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

Mr. MCDERMOTT. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Mrs. JONES).

(Mrs. JONES of Ohio asked and was given permission to revise and extend her remarks.)

Mrs. JONES of Ohio. Mr. Speaker, I would like to thank our Chair, Mr. RANGEL; Mr. NEAL, our subcommittee Chair; Mr. MCDERMOTT; and all the members of this committee for this great piece of legislation around energy and tax extenders.

I know my colleagues have done a great job talking about the energy portion of the bill, so I am going to move straight to a couple of areas that are important specifically to people who reside in my congressional district.

In my role as the Chair of the Congressional Philanthropic Caucus, I am especially pleased to see the inclusion of the IRA rollover provision, which has become an important fund-raising and development tool in the philanthropic community. More and more today we are calling upon the philanthropic organizations to do the job that others have stepped away from.

In addition, the extension of the active finance exemption sends a message to corporate America that this Congress has their interests at heart because this provision, along with the subpart F look-through, allows them to remain competitive and keep jobs here and not abroad. The tenets of sound tax policy begin with the notion of equity, efficiency and simplicity. Relying on the traditional framework, I am certain that we are driving towards a rational consensus.

It is in this environment or within this context I am pleased to support this piece of legislation, and encourage my colleagues throughout the Congress to join us in passing this legislation that will impact energy and other extenders in the Tax Code.

THE PROCTER & GAMBLE COMPANY,
Cincinnati, OH, May 20, 2008.

Hon. STEPHANIE TUBBS-JONES,
U.S. Representative, Longworth House Office Building, Washington, DC.

DEAR REPRESENTATIVE TUBBS-JONES: I want to take this opportunity to thank you for your leadership in the Ways & Means Committee's consideration of H.R. 6049, the Renewable Energy and Job Creation Act. House passage of H.R. 6049, including the so-called CFC Look-through rule, is very important for us to remain competitive in markets around the world.

Your efforts to include the extension, the so-called CFC Look-through rule in H.R. 6049, were critical to the ability of P&G, and many other American companies, to serve our customers and consumers around the world. We look forward to working with you as this legislation moves through the House of Representatives.

Sincerely,

ROBERT A. MCDONALD,
Chief Operating Officer.

Mr. MCCRERY. Mr. Speaker, since the majority has so much more time left than the minority, I would reserve the balance of my time.

Mr. MCDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy.

There have been some stark differences in the debate here today, but there is one thing that is clear: There is a clear record of failed fiscal discipline on the part of our friends on the Republican side of the aisle; 12 years of failure to deal with the alternative minimum tax, including 6 years of that time when they controlled the entire process, their failure to cut spending while they borrowed money on our children's credit card to give tax benefits to those who need it the least, and for 12 years they refused to fix the AMT.

There is going to be a new era in Washington in 242 days where we will be able to deal comprehensively with tax reform, and I look forward to it. But, in the meantime, it is critical to give Americans more energy choices, and this legislation does precisely that.

In particular, it would extend the investment tax credit that deals with renewable energy. When the PTC for wind energy expired at the end of 2003, the installation of new wind capacity dropped 77 percent in the next year. A recent analysis by our friends in the wind and solar industries suggest that we are looking at $19 billion of lost investment and 116,000 lost job opportunities if we fail to act on the extension. This will set us back not just in terms of the challenge of wind and solar energy today, but we are going to lose ground to our competitors overseas.

I strongly urge that we focus on the need to provide more energy choices for Americans today. Extending these credits is a way to make a difference this year. Failure to do so is going to cause unnecessary disruption, not just in terms of energy, but economically as well.

I would hope that this is one area where we ought to be able to work together, agree with these responsible provisions, and enact it into law.

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

Mr. MCDERMOTT. Mr. Speaker, I yield 1 minute to the Speaker, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I proudly rise in support of the Renewable Energy and Job Creation Act. I am enthusiastic about it because it will cut taxes for millions of middle-income families and grow the U.S. economy, it will invest in renewable energy technologies to create high-paying green jobs, it will make us more energy independent, and it will remove incentives in the Tax Code that encourage shipping jobs and investments overseas.

I would like to acknowledge the extraordinary leadership of the chairman of the Ways and Means Committee, Mr. CHARLIE RANGEL. He has brought a bill to the floor that makes key investments in our families and our future. And I thank the gentleman from Washington State, Mr. MCDERMOTT, for his leadership and for yielding me time.

This is how the bill will cut taxes. Here are seven reasons why everybody in this Congress should vote for this bill. Any one of them should be enough.

First, it provides 30 million homeowners with property tax relief.

Secondly, it helps 13 million children by expanding the child tax credit.

Third, it benefits 11 million families through the State and local sales tax deduction.

Fourth, it helps 4.5 million families better afford college with tuition deductions.

Next, it saves 3.4 million teachers money with a deduction for classroom expenses. Imagine now when our teachers go into classrooms that are not fully equipped. They have to pay for that equipment themselves. This at least says if you do that, you will get a tax deduction.

It provides more than 22,000 military families with tax relief under the earned income tax credit.

And it ensures U.S. competitiveness by expanding the research and development tax credit.

That is how it cuts taxes. There are seven reasons right there, any one of which I think is sufficient to vote for this bill.

When it comes to gas prices, Mr. Speaker, as we debate this legislation American families are paying record prices at the pump. Yesterday the cost of a barrel of oil passed $129 for the first time in history. Today I believe it went past $130. This legislation invests in the future and the ingenuity of the American people to create and deploy cutting-edge renewable technologies that will reduce our dependence on foreign oil, and this is how it does that.

It strengthens and extends the production tax credit which will spur the deployment of wind, biomass, geothermal, hydropower, tidal and landfill gas.

Next, it transitions biofuel beyond corn by creating a new tax credit to promote the production of cellulosic biofuels.

Next, it expands and extends the solar and fuel cell investment tax credit and offers tax incentives for residential, solar, wind and geothermal technologies. It provides tax incentives for coal electricity plants that capture and

sequester carbon dioxide. It includes incentives to encourage energy efficient products, such as plug-in hybrid cars and incentives for energy conservation, both in commercial buildings and residential structures. And it creates a new category of tax credit bonds to fund local initiatives to promote the deployment of green technologies.

This is a comprehensive approach, the missing part of the energy bill that we passed last year because it did not have the tax credits. Now we do. This industry can take off. We can have private sector initiatives to grow our economy, create good-paying jobs here at home, green jobs, and have the green economic revolution that is so important to our future.

And this is all being done in a fiscally sound way. No new deficit spending. It is paid for. This forward-looking legislation invests in renewable energy, creates hundreds of thousands of good-paying green jobs, spurs American innovation, and cuts taxes, cuts taxes, for millions of Americans. And it does so, as I mentioned, in a fiscally responsible way.

To invest in our future, this bill closes loopholes allowing corporations and executives to avoid paying certain taxes by shipping jobs and investments overseas. The New Direction Congress thinks we should focus tax benefits on creating jobs and encouraging investments here at home.

Despite the strong case for rescinding taxpayer subsidies for big oil companies making record profits, opposition by the Senate Republicans to these offsets makes their inclusion untenable for the bill being debated today. But we will come back to that.

□ 1500

Today's bill represents a concerted effort to enact a bill into law promptly, and thus relies on revenue offsets that enjoy strong bipartisan support.

I urge my colleagues to join Mr. RANGEL and members of the Ways and Means Committee and Members of our House on both sides of the aisle who care about an energy future for America that reduces our dependence on foreign oil. It is a national security issue, it is an economic issue, it is an environmental and health issue, it is an energy issue, it is a moral issue for us to preserve God's beautiful creation, this planet, and to pass it on to the next generation in a responsible way.

I urge my colleagues to support the Renewable Energy and Job Creation Act.

Mr. MCCRERY. May I inquire as to the remaining time.

The SPEAKER pro tempore. The gentleman from Louisiana has 4 minutes remaining. The gentleman from Washington has 6 minutes remaining.

Mr. MCDERMOTT. Mr. Speaker, I would like to enter into the RECORD a letter from the managing director of Credit Suisse that says, ''I am writing in support of H.R. 6049. We fully support your efforts to use the revised deferred compensation measure as a revenue raiser.''

CREDIT SUISSE SECURITIES (USA) LLC,
New York, NY, May 15, 2008.

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

DEAR CHAIRMAN RANGEL: On behalf of Credit Suisse, I am writing to express our support for H.R. 6049 the Energy and Tax Extenders Act of 2008. The bill's deferred compensation provision is of particular interest to us and we very much appreciate the efforts of you and your staff to ensure that this measure does not create any unintended consequences.

We are aware that issues have been raised regarding the need to offset the bill and with the deferred compensation provision specifically. As you are aware,'we are generally cautious as it pertains to revenue raisers and always look to work with the Committee to guard against unintended consequences. However, in this instance we fully support your efforts to use the revised deferred compensation measure as a revenue raiser in H.R. 60491 Given the House rules on pay-go, we recognize that without offsets the bill is not likely to be enacted this year, thereby causing a series of tax provisions to expire which in our opinion would not be a good overall outcome.

I reiterate our support for the measure and thank you again for your willingness to work with us on the deferred compensation provision. I look forward to working with you again in the future and please let us know if we can be of any assistance.

Sincerely,

THOMAS PREVOST,
Managing Director.

I yield 1 minute to the gentlelady from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I would like to thank Chairman RANGEL and Congressman NEAL for bringing forward this wonderful piece of legislation, which I proudly support. And I support this bill to provide incentives for clean domestic renewable energy production. It will improve our energy security, extend vital tax provisions, and provide tax relief to parents and teachers, college students, homeowners, small businesses, and millions of other middle-income Americans. Closer to home, this legislation is needed to ensure that Nevada residents, who do not pay a State income tax, will be able to deduct State and local sales taxes from their Federal income taxes.

Currently, some families who could benefit the most from the $1,000 refund and for a child tax credit actually make too little to qualify. This bill ensures that more hardworking parents will be able to benefit from this credit.

The bill extends the investment tax credit for solar energy property for 6 years, while doubling the annual credit cap for residential properties to $4,000.

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

Mr. MCDERMOTT. I yield the gentlewoman 15 seconds.

Ms. BERKLEY. This important provision not only increases clean energy production, but it will also create new green collar jobs in Nevada.

While I strongly believe the alternative minimum tax should be eliminated and I remain committed to protecting the 130,000 Nevadans who will be hit by this tax, this bill is paid for. I recommend everyone support it.

Mr. MCCRERY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

I listened to the Speaker of the House who spoke so eloquently about the pain Americans are feeling at the gas pump. She and her party should know a lot about it. They helped cause it.

Since the Democrats have been in control here for almost a year and a half, we have seen prices at the pump go up about $1.50 a gallon. A barrel of oil is at the highest price we have ever seen. They have tried to sue their way into lower gas prices. Now they are trying to tax their way into lower gas prices. Yet they never think about producing American energy in America.

So now we have the so-called tax extender bills, Mr. Speaker. Well, isn't that an interesting concept. Why is it that spending is forever and grows exponentially, and yet tax relief to hardworking middle-income families is somehow temporary? It just kind of disappears. But the Speaker of the House tells us that this is somehow fiscally responsible.

If you read the front page of USA Today 2 days ago, it tells you that under the Democrats' watch we have an extra $2.7 trillion of unfunded obligations that are put upon our children.

Apparently the majority leader thinks that is a laughing matter. As the father of a 6-year-old and the father of a 4-year-old, I don't find it too funny.

What we have here is we are going to preserve tax relief for some by increasing taxes for others. Again, what an interesting concept. The bottom line is the job creation mechanism of America is taxed, taxed again when people's paychecks are shrinking. This isn't fair.

Now some people say, well, these particular provisions need reform. I am happy to reform the Tax Code. I have cosponsored the Taxpayer Choice Act of 2008. I invite my Democrat colleagues to cosponsor it so that we can present a two-tier flat tax system to the American people. But the bottom line is Washington is spending too much, and we don't need another tax increase bill.

Mr. MCDERMOTT. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. I thank the gentleman.

This bill continues the new Congress' steadfast commitment to driving a clean energy revolution in our country and stimulating near-term growth in our struggling economy.

Gas prices are up around $4 a gallon. Climate change is a clear and present

danger. We need to wean ourselves off of largely imported foreign sources of fossil fuel. This bill charts that new course, the right course. It provides critical incentives for accelerated energy production from wind, geothermal, and hydropower sources. It includes investment tax credits for solar and fuel cell properties and a number of other factors.

To give our economy a boost, the legislation extends pro-growth policies like the R&D tax credit, and cuts taxes for millions of middle class families through a host of provisions including the expanded child tax credit. Mr. Speaker, this is a pro-growth, pro-environment, forward-looking and fully paid for package that helps move our country in a new direction.

Our colleagues on the other side of the aisle continue to resist change. They had a monopoly on power in Washington for 6 years and did nothing. Now they have become the party of ''no,'' veto, and the status quo. Let's move in a new direction.

Mr. MCCRERY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Georgia, Dr. PRICE.

Mr. PRICE of Georgia. Mr. Speaker, I include at this point in the RECORD excerpts of a memo written to Bill Dauster of the Senate Finance Committee from Ed Kleinbard, Chief of Staff at the Senate Joint Committee on Taxation.

CONCLUSION

While we recognize that colorable arguments can be made in support of the contrary conclusion, we believe that Rule XLIV's disclosure requirement for limited tax benefits is applicable to Section 301.

Mr. Speaker, this new majority is all politics all the time.

Now, the Speaker gave seven reasons to vote for this bill. Funny, she didn't include the tax boondoggle for trial lawyers. That is right, a tax break for trial lawyers.

The bill allows plaintiffs' trial lawyers to take deductions for the payment of contingency fees. I ask you, under current economic conditions, should we be using the Tax Code to give the plaintiffs bar possible financial incentives to bring more and costlier lawsuits against American business?

Second, by definition, in the rules of this House this bill contains earmarks and pork. The restructuring of the New York Liberty Zone tax credits provide pork, a limited tax benefit of over $1 billion to New York City.

Pork for powerful Members of Congress. Pork for trial lawyers. Mr. Speaker, two good reasons to vote ''no'' on this bill.

Mr. MCDERMOTT. Mr. Speaker, I yield 1 minute to the gentlewoman from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ. Mr. Speaker, as a member of the Ways and Means Committee, I rise in strong support of this legislation.

This package encourages the innovation and entrepreneurship needed to advance America's energy independence. It promotes economic growth, enhances the ability of American businesses to compete internationally, and provides much needed relief to American families. This proposal extends the research and development credit that encourages innovation and creates new green jobs; the higher education expense deduction that enables Americans to afford to go to college and to be able to compete in the new technology jobs. And the provisions that are included encourage renewable energy development and conservation, including a provision that I championed which incentivizes more energy efficient commercial buildings.

This is not the first time that we have passed these energy provisions in this House. Past efforts have been opposed by the Republicans and by the President both on substance and on how it is paid for. But this bill passed the committee with a bipartisan vote.

With a strong bipartisan vote today, we can send a strong message that we are ready for a new energy policy in this country and should be passed this afternoon with bipartisan effort.

Mr. MCCRERY. Mr. Speaker, I have no further requests for time, and I would reserve the balance of my time to close on our side.

Mr. MCDERMOTT. Mr. Speaker, I yield 1 minute to the gentleman from Alabama (Mr. DAVIS).

Mr. DAVIS of Alabama. Mr. Speaker, let me address the contingency fee provision that has come up several times.

Mr. MCCRERY, I agree with you that contingency fee lawyers are a very, very narrow class of people. They are the only major business in America that gets paid solely based on how effective they are. If they earn nothing for their client, they get nothing in the way of compensation.

Another fact for my friends on the minority: Contingency fee lawyers are small business owners who run up expenses, like every other small business in America. Simple tax fairness says they ought to be able to take the expenses when the expenses occur. That is how we grow businesses in America, we give people a chance to use the Tax Code to grow. And if every other business in America can take a deduction for expenses in the year in which you incur the expense, how dare we single out one class of small business owners and treat them differently.

This provision is a simple clear matter of tax equity.

Mr. MCDERMOTT. Mr. Speaker, I would reserve the balance of my time to close, using the majority leader.

Mr. MCCRERY. Mr. Speaker, let me close today by simply saying that we don't object to the main body of the bill, the extensions of the expiring provisions of the Tax Code. After all, those were provisions that we put in the Tax Code when we were in the majority. That is not the point.

The point is that if we follow the PAYGO rules that require these existing provisions of law to be paid for if they are extended just amounts to a built-in tax increase. If we are already bringing in to the Federal Government more money as a percent of GDP than we historically have with all these provisions in place, what sense does it make to raise taxes just to keep them in place? It doesn't make sense, unless you simply want to raise more revenue for the central government in this country, grow the government even more.

So, Mr. Speaker, with all due respect to those who have spoken so eloquently on the merits of the expiring tax provisions, I agree with that. But to hold to the PAYGO provisions that require the offsets in this bill would lead us to a huge tax increase over the next 10 years.

Mr. MCDERMOTT. Mr. Speaker, I yield the remainder of my time to the gentleman from Maryland, the majority leader to close the debate.

Mr. HOYER. I thank the gentleman for yielding.

Again, I want to say how much respect I have for Mr. MCCRERY. I think he is one of the most positive Members of this body. I think he has worked productively with Chairman RANGEL, and I have great respect for my colleague. He will be leaving, and that will be a loss for the Congress. I wanted to say that before I begin.

Let me say that we have disagreements. However, and on the overall issue that he raised in closing about paying for this, he is accurate. Now, some of these extenders even pre-date the time when the Republicans were in the majority in 1995 and through 2006. But I think there is consensus on extending them. The difference is, should we pay for them? There are only a number of options, a few options available to us. We can pay for them, or our children can pay for them. Somebody will pay for them. There is not a free lunch.

My view is this supply side economics pretends there is somewhere out there where the tooth fairy is going to deliver the money. There is not a tooth fairy. It is the parent who delivers the money under the pillow when the tooth is lost. But we are the parents, and we need to act as adults. We need to pay for what we buy. And if what we buy is giving somebody a tax incentive because we believe that they will do something good that will advantage our community and our country, then that is fine. I am supportive of that. But we ought to pay for it, because that is our decision.

□ 1515

One of the gentlemen spoke about his two children. I have three children. I have three grandchildren, and I have one great-granddaughter. I'm equally concerned. I'm concerned about the $4 trillion in debt that we've added over the last 6-plus years, and now some $400 billion this year alone. But that is the general philosophy.

The specific philosophy here is we need to be energy independent. We need to be sure that our policies that we pursue do not continue to make us hostage to those who have petroleum products.

Mr. Speaker, I first want to commend Chairman CHARLIE RANGEL and all of the members of the Ways and Means Committee for their hard work on this very important, farsighted legislation, the Renewable Energy and Job Creation Act.

This week the American people are paying, on average, $3.79 per gallon for gasoline. Mr. HENSARLING observed that I was laughing when he said the Democrats have been in charge and look what's happened to gas prices. I was laughing because the absurdity is rejected by the American public, that somehow policies that we've adopted over the last year, when the President vetoes anything he doesn't want, has affected those gasoline prices to me is patently absurd and clearly rejected by the American people. It was, I thought then and think now, a laughable proposition to make.

Motorists are paying $4 per gallon, more than $2.50 per gallon more than they were paying when the current administration took office.

To show you the difference, when Bill Clinton was President from 1993 to 2001, gas prices rose from $1.06 to $1.46, 40 cents, or a nickel a year, a nickel a year during those 8 years. During this President's administration, prices are rising a nickel a week.

There is no doubt that this explosion in gasoline prices is squeezing hardworking families who live in every one of our districts who also are coping with the rising costs of food and groceries, health care and education.

This legislation is not a panacea to those immediate concerns. Would that we had one. But it does represent an important step in our continuing effort to reduce our dependence on foreign oil.

Among other things, the bill will establish a new tax credit of $1.01 per gallon for cellulosic biofuel production from now through 2015, so that we can rely on the Middle West and perhaps other parts of our country, rather than the Middle East. It will extend this $1 per gallon biodiesel tax credit, and makes it available to all potential sources of diesel that can be made without petroleum. And it allows jet fuel produced from biomass to qualify for the credit as well.

Furthermore, this legislation will reduce our dependence on imported fuel for our electricity sector by extending and expanding tax incentive for sources of renewable energy including wind, solar and biomass.

It also will encourage the use of plug-in hybrid cars and provide incentives for energy conservation in residential homes, commercial buildings and appliances; all of which, I think, the American public applauds.

Additionally, this bill will help create hundreds of thousands of ''green jobs.'' It will spur American innovation and business investment, which will strengthen our economy today and in the future. And it will provide tax relief for millions of Americans, expanding the child tax credit for the families of 13 million children, helping 4.5 million families better afford college through a tuition deduction, and saving 3.4 million teachers money with a deduction for classroom expenses, so when they buy something for their classroom, like a business expense, they'll be able to deduct it.

Now, many on the Republican side object to this bill because the Democratic majority, in keeping with our commitment to fiscal responsibility and pay as you go budget rules, insists that this legislation be paid for and not add to the national debt.

That's a fundamental difference between our two sides. One believes that tax cuts somehow pay for themselves. Mr. Bernanke doesn't believe that, Mr. Greenspan doesn't believe that, but our Republican colleagues clearly believe it, and they've pursued that policy, which has, as I said, put us over $3 trillion in additional debt over the last 82 months.

To them I simply say: It is long past time that the Members here insist that our Nation pay for the things it buys. To not do so takes the discipline out of the democratic process, because if we can simply charge that which we buy, there will be no discipline on the part of the electorate to say no, we don't want to be taxed to buy that. And I guarantee the system would stop buying it. But if there is no discipline, if we're not paying, my grandchildren will not be able to vote and exercise that discipline.

History, I suggest to my colleagues, is littered with the stories of formerly great nations that began their demise through fiscal profligacy. It is within our power to ensure that the United States of America is never added to that list.

The method by which Chairman RANGEL and the committee have paid for the cost of this bill is laudable. Important. This legislation closes loopholes that allow corporations and executives to avoid U.S. taxes by shipping jobs and investments overseas. And because our obligations do not stop, average working Americans, therefore, must pay more if the wealthiest among us who can seek tax havens do not pay their fair share.

This legislation is the right thing to do. Mr. Speaker, this is an excellent bill that will help reduce our dependence on foreign oil and protect our environment, create thousands of jobs and strengthen our economy, and provide tax relief to millions of hardworking Americans.

I commend Mr. RANGEL, Mr. MCDERMOTT, the members of the committee, and I commend Mr. MCCRERY for his responsible stewardship as the ranking member and his working to try to bring consensus. We have not reached it in this instance, but I do commend him for his efforts.

And I urge my colleagues, support this important legislation which moves us towards energy independence and a fair and equitable tax system.

Mr. CARSON of Indiana. Mr. Speaker, I rise today in strong support of H.R. 6049, The Renewable Energy and Job Creation Act of 2008. This is a fiscally responsible and progressive piece of legislation. H.R. 6049 responds to the concerns we consistently hear from our constituents about energy prices, property taxes and the needs of our brave men and women in uniform.

H.R. 6049 recognizes that the need for renewable energy is greater than ever. Oil companies reap higher and higher profits but consumers are struggling to keep up the rising cost of gas. Our dependence on foreign oil continues to pose a serious risk to our national security. Further, we know our current energy sources are contributing heavily to global climate change. I applaud H.R. 6049 for including a $20 billion dollar investment in renewable energy research and production to find environmentally sound alternate energy supplies.

In my home state of Indiana, families are struggling to keep up with sky-high property taxes. My colleague BARON HILL has worked to bring about relief for homeowners and introduced H.R. 3726 the Property Tax Relief Act of 2007, a bill I am proud cosponsor. I was pleased to note the bill we are discussing today provides an additional standard deduction for State and local real property taxes paid for 2008, a provision very similar to H.R. 3726.

This bill also provides assistance to our veterans and active duty service men and women. H.R. 6049 includes provisions allowing members of the armed services to include combat pay in order to qualify for the earned income tax credit and rules to allow veterans to qualify for mortgage revenue bonds. These programs offer critical assistance to lower income individuals.

H.R. 6049 helps American families by extending the deduction for qualified tuition and related education expenses and increasing the eligibility for the refundable child tax credit for 2008. Further, it rejects President Bush's attempts to cut down Medicare and Medicaid benefits, the budget for the Centers for Disease Control and Prevention, the Environmental Protection Agency and several key law enforcement programs. Having spent my career in law enforcement, I was especially concerned to hear that the President proposed eliminating the Byrne Memorial Justice Assistance Grants and cops. I am pleased this bill continues to support these important programs.

I commend Chairman RANGEL for his leadership on this important bill.

Mr. UDALL of Colorado. Mr. Speaker, I strongly support this legislation that will extend critical tax credits for renewable energy and for American families while not adding to the federal deficit.

As co-chair of the Renewable Energy and Energy Efficiency Caucus, I am especially pleased to see the House take action on needed tax credits for renewable energy. The Production Tax Credit (PTC) in particular has been instrumental in promoting the creation of a renewable energy industry. An extended

PTC will provide more market certainty and we must have an extension of this key tax credit before the current credit expires at the end of 2008.

I must add that, while I am pleased that the bill provides a 3-year extension of the PTC for most renewable energy sources, I am concerned that it only provides a 1-year extension for wind energy. Wind is a very promising renewable energy source and a 1-year extension will not be as helpful for the industry. I will continue to lead the fight to extend the PTC for more than 1 year.

The bill also extends the Investment Tax Credit (ITC) for solar energy, qualified fuel cells, and microturbines through the end of 2014. The ITC will help companies with initial investment costs in expanding these renewable energy sources across the country.

The bill also authorizes $2 billion of new clean renewable energy bonds (CREBS) for public power providers and electric cooperatives. This is a critical tool, especially for Colorado's rural co-ops and municipal utilities.

This bill would also benefit families who want to invest in renewable energy. It would extend the credit for residential solar property for 6 years and increase the annual credit cap, currently capped at $2,000, to $4,000. And it would expand the definition to include residential small wind equipment and geothermal heat pumps so that consumers have more options.

Rising gas prices are forcing many Coloradans to dip into their savings just to make ends meet. This bill will help families reduce their fuel bills by providing $3000 in tax credits toward the purchase of fuel-efficient, plug-in hybrid vehicles. It will also help address long-term fuel cost concerns by expanding production of homegrown fuels, including creating a new production tax credit for cellulosic biofuels besides ethanol, as well as an extension of the tax credits for biodiesel and renewable diesel.

I supported the energy bill that the House passed last year which included many of these important tax provisions, as well as the Renewable Energy and Energy Conservation Tax Act of 2008 that the House passed earlier this year. But, for the lack of support in the Senate, these provisions have not yet made it to the President's desk to be signed into law.

And this bill will also help Colorado businesses stay competitive by extending the research and development tax credit for 1 year. While again I would like to see this key tax credit extended for more than 1 year, this is a step in the right direction.

To help with the hard economic times that Coloradans are facing, this bill includes several other key tax credits, including expanding the child tax credit for some of our neediest families, allowing teachers to take a deduction for purchasing classroom supplies out of their own pockets, and providing additional support for families paying for college education.

I hope today we can move this bill forward and promote positive change that will benefit our families and rural communities, save consumers money, reduce air pollution, and increase reliability and energy security.

I strongly encourage my colleagues in the House to vote for this needed legislation, and also encourage quick action in the Senate so that we may move it to the President's desk.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 6049, Renewable Energy and Job Creation Act of 2008. I would like to thank my colleague the Chairman of Ways and Means, Congressman CHARLES RANGEL for bringing this energy legislation forward .

The bill extends dozens of expired or expiring tax provisions, and extends and creates new energy-related tax incentives for the production of wind and other renewable energy and for homeowners' investment in solar and fuel cell equipment.

Texas has invested in the production of wind and is looking to come up with more ways to aid us in energy conservation and harnessing our natural resources in a way that does not damage the environment.

There is an undeniable consensus on the importance of America achieving energy independence in the 21st century. It is critical that we terminate our dependence on foreign sources of oil, the majority of which are located in regions of the world which are unstable and in most circumstances, opposed to our interests. Accordingly, there is no issue more essential to our economic and national security than energy independence.

By investing in renewable energy and increasing access to potential sources of energy, I believe we can be partners with responsible members of America's energy producing community in our collective goal of reaching energy independence.

Houston, Texas, is the energy capital of the world, for the past 12 years I have been the Chair of the Energy Braintrust of the Congressional Black Caucus. During this time, I have hosted a variety of Energy Braintrusts designed to bring in all of the relevant players ranging from environmentalists to producers of energy from a variety of sectors including coal, electric, natural gas, nuclear, oil, and alternative energy sources as well as energy producers from West Africa.

My Energy Braintrusts were designed to be a call of action to all of the sectors that comprise the American and international energy industry, to the African American community, and to the nation as a whole.

Energy is the lifeblood of every economy, especially ours. Producing more of it leads to more good jobs, cheaper goods, lower fuel prices, and greater economic and national security. Bringing together thoughtful yet distinct voices to engage each other on the issue of energy independence has resulted in the beginning of a transformative dialectic which can ultimately result in reforming our energy industry to the extent that we as a nation achieve energy security and energy independence.

Because I represent the city of Houston, the energy capital of the world, I realize that many oil and gas companies provide many jobs for many of my constituents and serve a valuable need. The energy industry in Houston exemplifies the stakeholders who must be instrumental in devising a pragmatic strategy for resolving our national energy crisis.

Mr. Speaker, this legislation will aid Americans as we seek to wean ourselves from our foreign oil dependence. I urge my colleagues to support H.R. 6049.

Mr. CONYERS. Mr. Speaker, I rise today in support of this common sense piece of legislation offered by my dear friend, Representative CHARLIE RANGEL, the Chairman of the Ways and Means Committee. If enacted, his bill will marshal the tremendous economic power of our Nation's physical and human capital and direct it towards solving the twin challenges of energy dependence and global warming. Through $20 billion investment in renewable energy tax incentives, carbon mitigation provisions, transportation efficiency tax credits, and energy efficiency incentives, this bill offers a comprehensive strategy that empowers both individual citizens and the private sector.

The bill empowers everyday Americans by providing tax credits to green citizens who add energy-efficient improvements to their homes and businesses and purchase plug-in electric cars. The bill helps the private sector push the limits of research and development by encouraging the building of carbon capture and sequestration demonstration projects. The bill also creates incentives for the energy production sector to invest in nontraditional cutting edge energy production methods. I am particularly excited that this bill will, for the first time, incentivize investment in technologies that will harness the power of the waves and tides found in our Nation's Great Lakes and oceans.

I am also proud of this body's recent efforts to address the global climate change crisis. This bill is a logical and important next step toward this end. For too long, our country lagged behind the rest of the industrialized world in recognizing and taking action to address the climate change crisis. Global warming endangers all of us, but threatens to have the most devastating impact on the poorest and the most vulnerable. By encouraging our Nation's citizens and businesses to act in a carbon-conscious way, we protect not only ourselves, but show compassion for our brothers and sisters around the world. At a time when global public opinion regarding our Nation is at an all-time low, the important positive impact this bill will have on our country's public diplomacy efforts should not be downplayed.

Lastly, I believe that this bill serves as a powerful example of the tax policy differences between the 110th Congress and past Congresses. Instead of using the tax code to promote inequality and corporate largess, the American people now know that the tax code can be used to promote personal responsibility, national security, compassion, and global sustainability. I am proud to join with my colleagues here today as we continue to establish a progressive tax policy for the 21st century.

Mr. ETHERIDGE. Mr. Speaker, I rise in support of H.R. 6049, Renewable Energy and Job Creation Act of 2008. This bill provides tax relief for millions of Americans while spurring business investment and innovation in renewable energy.

I am pleased to note that H.R. 6049 will benefit the families of millions of children by expanding the child tax credit to those earning $8,500 a year. This bill will also provide tax relief by extending the State and local sales tax deduction, provide property tax relief for 30 million homeowners, and help families afford college with the tuition deduction. As the only former school superintendent serving in Congress, I am especially pleased to note that this bill is supported by the National Education Association because it includes an extension of the tax deduction for educators who help supply their classrooms, and an extension of the Quality Zone Academy Bonds school modernization program that helps school districts address renovation and repair needs.

H.R. 6049 includes important tax relief provisions for businesses as well as individuals

and families. This bill extends the Research and Development Tax Credit for over 27,000 businesses, the 15–year straight-line cost recovery for leasehold improvements and qualified restaurant improvements, and the tax credit for the environmental remediation of brownfields areas. We need to strengthen our economy by helping to spur American innovation with investment in American businesses.

Developing alternative energy sources and ending our dependence on foreign oil is one of the most critical challenges facing our nation. H.R. 6049 includes several provisions that will spur innovation in this area such as an extension of investment and production tax credits for solar energy, wind energy, and energy derived from biomass, geothermal, hydropower, and solid waste. In addition, H.R. 6049 includes incentives that promote the production of homegrown renewable fuels, like biodiesel, for the installation of more E–85 pumps, and a $3,000 tax credit for the purchase of fuel-efficient plug-in hybrid vehicles. These provisions will create and preserve thousands of ''green collar jobs'' as well as provide relief for Americans who continue to see gas prices rise to historic records across the country.

I support the passage of H.R. 6049, Renewable Energy and Job Creation Act of 2008, and I urge my colleagues to join me.

Mr. MARKEY. Mr. Speaker, for nearly eight years, this Administration's backwards energy policy has lined the pockets of oil company executives while hurting American consumers, the economy, and the planet. This bill encourages production of clean alternative fuels and renewable energy while creating jobs. It transfers Oil Executive Power to Blue Collar Renewable Power.

Last week the House passed legislation on the Strategic Petroleum Reserve to give hurting Americans an immediate break at the pump. But the energy crisis demands long term action, breaking our addiction to oil and transitioning our economy to clean renewable energy sources once and for all.

Last week immediate relief with SPR, this week we put our nation on a path to a clean renewable future.

President Bush and Senate Republicans have been given opportunity after opportunity to pass tax credit extensions for renewable energy. They have sided with Big Oil each time, even as oil prices have blown past $100 a barrel and many Americans are now paying $4 per gallon for gas. This morning oil reached $130 a barrel.

This bill finds alternative revenue raisers which I do support. But let's not forget what this Administration fought to protect. ExxonMobil had $40 billion in profit last year. Do you know how the largest corporate profit in history was used in 2007?

It repurchased $31.8 billion worth of stock.

It increased compensation for top executives by 170 percent since 2001.

It financed a $100 million public relations campaign to try to deflect blame from angry consumers.

It invested around $10 million in renewable energy alternatives. That is less than one tenth of one percent of their profits.

These and other findings are being released today in a report by the Select Committee that analyzes where Big Oil's profits are going. Let's hope President Bush's love for the oil industry doesn't extend to hedge fund managers and corporate CEOs using offshore tax havens.

Today, because of this Administration's misguided policies, the renewable energy industry has its back against the wall. Solar and wind companies are delaying projects because of investment uncertainty. There is no more time to delay.

The other side likes to tell America that wind and solar and biomass cannot be real solutions to our energy challenge. They tell us that drilling in our most pristine natural areas and building nuclear power plants with taxpayer support are the only things that can solve this problem.

No. Last year the United States installed 5,244 megawatts of wind power, 30 percent of all the new capacity installed nationwide in 2007. Solar photovoltaic installations in the U.S. also grew an incredible 80 percent. This was the start of the renewable energy revolution.

Last week, the Department of Energy produced a study detailing what it would take for America to meet 20 percent of its electricity needs with wind power in 2030. The way the industry has grown over the last decade—about 30 percent a year—we can meet this target ahead of time.

This bill also provides valuable incentives for carbon capture and sequestration, plug-in hybrid cars, and renewable fuels. The American entrepreneur will rise to the energy and climate challenge if Congress puts the right incentives in place.

Passing H.R. 6049 will give renewable energy the support it needs, drive economic expansion and job growth in this country and put America on a greener path towards realizing long-term solutions to global warming. I urge an ''aye'' vote on the rule and on the underlying bill.

Mr. KIND. Mr. Speaker, I rise today in support of H.R. 6049, the Renewable Energy and Job Creation Act of 2008. As a member of the Ways & Means Committee, I am proud to have helped craft this very important tax bill that will give much needed relief to millions of American taxpayers while also moving forward on our agenda to reduce greenhouse gas emissions and stimulate our economy.

Unfortunately, over the last several years we have seen tax bills pushed through Congress and signed by the President under the guise of ''relief' for the middle class and the poorest in the country. I think many in this chamber have now come to recognize that many of these measures presented as tax relief for the middle class were in fact more tax breaks for the richest in society. Today we finally have before us a bill that will give real relief to millions of taxpayers, many of whom are hardworking middle class families struggling with rising energy and food bills.

First, H.R. 6049 addresses the need for more clean energy production in our country by providing long-term extensions of the renewable energy production tax credit and the solar energy and fuel cell investment tax credit, while amending them to increase accessibility. These long-term extensions will give utilities and investors the predictability they need to move forward with new generation projects in the years to come. The bill also addresses energy use and carbon emissions by extending multiple energy-efficient credits for homes and businesses, creating incentives for carbon capture and sequestration demonstration projects, and calling for carbon audit of the tax code to determine what policies are encouraging wasteful energy use and unnecessary carbon emissions. The Act also addresses our dependence on dirty foreign oil by extending and improving tax credits for the production of cellulosic biofuels and plug-in electric vehicles.

Most exciting of all, however, are the innovative qualified energy conservation bonds this bill creates. The qualified energy conservation bonds give states and local governments the resources needed to invest in green programs designed to reduce greenhouse gas emissions. Giving local authorities the power to choose what green energies to implement in their backyard is good public policy, because I know the energy needs of western Wisconsin are vastly different than those of Queens. By not picking the winners and losers in Washington, we are allowing exciting technological changes, advancements, and the market—not Congress—drive the green energy revolution.

In the area of tax relief, H.R. 6049 extends several popular expiring tax provisions. In particular, the bill will provide property tax relief for 30 million Americans, help for more than 12 million children through an expanded child tax credit, tax relief for more than 11 million families through state and local sales tax deduction, help for more than 4.5 million families to cover the cost of education through the tuition deduction, and relief for more than 3.5 million teachers who will be reimbursed for out-of-pocket expenses for their classrooms.

Finally, this bill is fully offset and complies with pay-go rules. Under the leadership of Chairman RANGEL and Speaker PELOSI, we are demonstrating that we can provide tax relief without sending the debt on to our children. After years of fiscal recklessness—deficit-financed tax cuts for the wealthy and out-of-control government spending—this bill sets a precedent of fiscally responsible tax reform.

Again, .Mr. Speaker, I am happy to support this sensible and fair tax bill before us today. Offering some tax relief in uncertain economic times and meeting the challenge of climate change with innovative and constructive solutions are exactly the issues this Congress should be focused on. I urge my colleagues to support H.R. 6049.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise in support of the Renewable Energy and Job Creation Act and congratulate Speaker PELOSI and Chairman RANGEL for putting forward legislation that will make a real difference for American families.

H.R. 6049 extends and expands tax incentives for renewable energy and encourages energy efficiency. At a time when families are facing record-breaking gas prices, this bill will help to reduce our dependence on foreign oil and lower energy bills. These tax incentives will also create and preserve good-paying ''green collar'' jobs such as those in the wind and solar industries.

The Renewable Energy and Job Creation Act also furthers our nation's innovation efforts by extending the research and development tax credit for 27,000 companies. It is critical for our global competitiveness that we encourage and support entrepeneurs and new ideas.

For families struggling to make ends meet in this difficult economy, this bill provides 30 million homeowners with property tax relief, expands the child tax credit, and extends the state and local sales tax deduction. It also helps students afford higher education with a tuition deduction and provides our teachers a tax deduction for classroom expenses. Finally,

this legislation provides additional tax relief under the Earned Income Tax Credit for 22,000 troops in combat.

Mr. Speaker, to ensure that our children and grandchildren are not burdened with additional debt, this bill is fully paid for by closing a tax loophole for offshore companies and delaying a tax break for U.S. multinational companies. These changes not only ensure this bill follows pay-go, they also improve the fairness of our tax code.

H.R. 6049 is critical to our long term energy policy and to family budgets. I urge my colleagues to join me in supporting this important bill.

Mrs. BOYDA of Kansas. Mr. Speaker, this past fall, this House passed H.R. 3997, which included a provision to permanently extend the military eligibility for the earned income tax credit (EITC). However, we are back here again while our men and women in uniform still wait for a permanent solution. We provided a 1-year extension, but our military deserve a permanent fix.

Without action today, hundreds of thousands of troops could find their EITC eligibility slashed. It would be a tax borne solely by our soldiers and our military families. We call it a soldier tax.

Our military continues to serve our country with honor and distinction. The last thing we need is for our soldiers and their families to have to worry about paying higher taxes next year. That is why I authored the Tax Relief for Armed Combat Families Act for 2007. It will permanently end the soldier tax. Our military families should not have to worry from year to year what funds are going to be available to take care of their families.

I thank Chairman RANGEL for working my language into today's legislation, and I call on my colleagues to pass this important legislation. Let's permanently end the soldier tax.

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

Pursuant to House Resolution 1212, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MCCRERY

Mr. MCCRERY. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MCCRERY. I am in its current form.

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

The Clerk read as follows:

Mr. McCrery moves to recommit the bill H.R. 6049 to the Committee on Ways and Means with instructions to report the same back to the House promptly with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Alternative Minimum Tax and Extenders Tax Relief Act of 2008''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—ALTERNATIVE MINIMUM TAX RELIEF

Sec. 101. Extension of alternative minimum tax relief for nonrefundable personal credits.
Sec. 102. Extension of increased alternative minimum tax exemption amount.

TITLE II—INDIVIDUAL TAX PROVISIONS

Sec. 201. Election to include combat pay as earned income for purposes of the earned income credit.
Sec. 202. Distributions from retirement plans to individuals called to active duty.
Sec. 203. Deduction for State and local sales taxes.
Sec. 204. Deduction of qualified tuition and related expenses.
Sec. 205. Deduction for certain expenses of elementary and secondary school teachers.
Sec. 206. Modification of mortgage revenue bonds for veterans.
Sec. 207. Tax-free distributions from individual retirement plans for charitable purposes.
Sec. 208. Treatment of certain dividends of regulated investment companies.
Sec. 209. Stock in RIC for purposes of determining estates of nonresidents not citizens.
Sec. 210. Qualified investment entities.
Sec. 211. Qualified conservation contributions.

TITLE III—BUSINESS TAX PROVISIONS

Sec. 301. Extension of research credit.
Sec. 302. New markets tax credit.
Sec. 303. Subpart F exception for active financing income.
Sec. 304. Extension of look-thru rule for related controlled foreign corporations.
Sec. 305. Extension of 15-year straight-line cost recovery for qualified leasehold improvements and qualified restaurant improvements.
Sec. 306. Enhanced charitable deduction for contributions of food inventory.
Sec. 307. Extension of enhanced charitable deduction for contributions of book inventory.
Sec. 308. Modification of tax treatment of certain payments to controlling exempt organizations.
Sec. 309. Basis adjustment to stock of S corporations making charitable contributions of property.
Sec. 310. Increase in limit on cover over of rum excise tax to Puerto Rico and the Virgin Islands.
Sec. 311. Parity in the application of certain limits to mental health benefits.
Sec. 312. Extension of economic development credit for American Samoa.
Sec. 313. Extension of mine rescue team training credit.
Sec. 314. Extension of election to expense advanced mine safety equipment.
Sec. 315. Extension of expensing rules for qualified film and television productions.
Sec. 316. Deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.
Sec. 317. Extension of qualified zone academy bonds.
Sec. 318. Indian employment credit.
Sec. 319. Accelerated depreciation for business property on Indian reservation.
Sec. 320. Railroad track maintenance.
Sec. 321. Seven-year cost recovery period for motorsports racing track facility.
Sec. 322. Expensing of environmental remediation costs.
Sec. 323. Extension of work opportunity tax credit for Hurricane Katrina employees.
Sec. 324. Enhanced deduction for qualified computer contributions.
Sec. 325. Tax incentives for investment in the District of Columbia.

TITLE IV—EXTENSIONS OF ENERGY PROVISIONS

Sec. 401. Extension of credit for energy efficient appliances.
Sec. 402. Extension of credit for nonbusiness energy property.
Sec. 403. Extension of credit for residential energy efficient property.
Sec. 404. Extension of renewable electricity, refined coal, and Indian coal production credit.
Sec. 405. Extension of new energy efficient home credit.
Sec. 406. Extension of energy credit.
Sec. 407. Extension and modification of credit for clean renewable energy bonds.
Sec. 408. Extension of energy efficient commercial buildings deduction.
Sec. 409. Extension of special rule to implement FERC and State electric restructuring policy.
Sec. 410. Suspension of taxable income limit with respect to marginal production.
Sec. 411. Extension of credits for biodiesel and renewable diesel.

TITLE V—TAX ADMINISTRATION

Sec. 501. Permanent authority for undercover operations.
Sec. 502. Permanent disclosures of certain tax return information.
Sec. 503. Disclosure of information relating to terrorist activities.

TITLE I—ALTERNATIVE MINIMUM TAX RELIEF

SEC. 101. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

(a) IN GENERAL.—Paragraph (2) of section 26(a) (relating to special rule for taxable years 2000 through 2007) is amended—

(1) by striking ''or 2007'' and inserting ''2007, or 2008'', and

(2) by striking ''2007'' in the heading thereof and inserting ''2008''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 102. EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.

(a) IN GENERAL.—Paragraph (1) of section 55(d) (relating to exemption amount) is amended—

(1) by striking ''($66,250 in the case of taxable years beginning in 2007)'' in subparagraph (A) and inserting ''($69,950 in the case of taxable years beginning in 2008)'', and

(2) by striking ''($44,350 in the case of taxable years beginning in 2007)'' in subparagraph (B) and inserting ''($46,200 in the case of taxable years beginning in 2008)''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

TITLE II—INDIVIDUAL TAX PROVISIONS

SEC. 201. ELECTION TO INCLUDE COMBAT PAY AS EARNED INCOME FOR PURPOSES OF THE EARNED INCOME CREDIT.

(a) IN GENERAL.—Subclause (II) of section 32(c)(2)(B)(vi) (defining earned income) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2014''.

(b) CONFORMING AMENDMENT.—Paragraph (4) of section 6428, as amended by the Economic Stimulus Act of 2008, is amended to read as follows:

''(4) EARNED INCOME.—The term 'earned income' has the meaning set forth in section 32(c)(2) except that such term shall not include net earnings from self-employment which are not taken into account in computing taxable income.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 2007.

SEC. 202. DISTRIBUTIONS FROM RETIREMENT PLANS TO INDIVIDUALS CALLED TO ACTIVE DUTY.

(a) IN GENERAL.—Clause (iv) of section 72(t)(2)(G) is amended by striking ''December 31, 2007'' and inserting ''January 1, 2014''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals ordered or called to active duty on or after December 31, 2007.

SEC. 203. DEDUCTION FOR STATE AND LOCAL SALES TAXES.

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2014''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 204. DEDUCTION OF QUALIFIED TUITION AND RELATED EXPENSES.

(a) IN GENERAL.—Subsection (e) of section 222 (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 205. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) (relating to certain expenses of elementary and secondary school teachers) is amended by striking ''or 2007'' and inserting ''2007, 2008, 2009, 2010, 2011, 2012, or 2013''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2007.

SEC. 206. MODIFICATION OF MORTGAGE REVENUE BONDS FOR VETERANS.

(a) QUALIFIED MORTGAGE BONDS USED TO FINANCE RESIDENCES FOR VETERANS WITHOUT REGARD TO FIRST-TIME HOMEBUYER REQUIREMENT.—Subparagraph (D) of section 143(d)(2) (relating to exceptions) is amended by inserting ''and after the date of the enactment of the Alternative Minimum Tax and Extenders Tax Relief Act of 2008 and before January 1, 2014'' after ''January 1, 2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 207. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subparagraph (F) of section 408(d)(8) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2007.

SEC. 208. TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) INTEREST-RELATED DIVIDENDS.—Subparagraph (C) of section 871(k)(1) (defining interest-related dividend) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(b) SHORT-TERM CAPITAL GAIN DIVIDENDS.—Subparagraph (C) of section 871(k)(2) (defining short-term capital gain dividend) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to dividends with respect to taxable years of regulated investment companies beginning after December 31, 2007.

SEC. 209. STOCK IN RIC FOR PURPOSES OF DETERMINING ESTATES OF NONRESIDENTS NOT CITIZENS.

(a) IN GENERAL.—Paragraph (3) of section 2105(d) (relating to stock in a RIC) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to decedents dying after December 31, 2007.

SEC. 210. QUALIFIED INVESTMENT ENTITIES.

(a) IN GENERAL.—Clause (ii) of section 897(h)(4)(A) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2008.

SEC. 211. QUALIFIED CONSERVATION CONTRIBUTIONS.

(a) IN GENERAL.—Clause (vi) of section 170(b)(1)(E) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(b) CONTRIBUTIONS BY CORPORATE FARMERS AND RANCHERS.—Clause (iii) of section 170(b)(2)(B) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2007.

TITLE III—BUSINESS TAX PROVISIONS

SEC. 301. EXTENSION OF RESEARCH CREDIT.

(a) EXTENSION.—Subparagraph (B) of section 41(h)(1) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(b) CONFORMING AMENDMENT.—Subparagraph (D) of section 45C(b)(1) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2007.

SEC. 302. NEW MARKETS TAX CREDIT.

Subparagraph (D) of section 45D(f)(1) (relating to national limitation on amount of investments designated) is amended by striking ''and 2008'' and inserting ''2008, 2009, 2010, 2011, 2012, and 2013''.

SEC. 303. SUBPART F EXCEPTION FOR ACTIVE FINANCING INCOME.

(a) EXEMPT INSURANCE INCOME.—Paragraph (10) of section 953(e) (relating to application) is amended—

(1) by striking ''January 1, 2009'' and inserting ''January 1, 2014'', and

(2) by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

(b) EXCEPTION TO TREATMENT AS FOREIGN PERSONAL HOLDING COMPANY INCOME.—Paragraph (9) of section 954(h) (relating to application) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2014''.

SEC. 304. EXTENSION OF LOOK-THRU RULE FOR RELATED CONTROLLED FOREIGN CORPORATIONS.

(a) IN GENERAL.—Subparagraph (B) of section 954(c)(6) (relating to application) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2014''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2007, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

SEC. 305. EXTENSION OF 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS AND QUALIFIED RESTAURANT IMPROVEMENTS.

(a) IN GENERAL.—Clauses (iv) and (v) of section 168(e)(3)(E) (relating to 15-year property) are each amended by striking ''January 1, 2008'' and inserting ''January 1, 2014''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007.

SEC. 306. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(C) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2007.

SEC. 307. EXTENSION OF ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORY.

(a) EXTENSION.—Clause (iv) of section 170(e)(3)(D) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(b) CLERICAL AMENDMENT.—Clause (iii) of section 170(e)(3)(D) (relating to certification by donee) is amended by inserting ''of books'' after ''to any contribution''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after December 31, 2007.

SEC. 308. MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Clause (iv) of section 512(b)(13)(E) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments received or accrued after December 31, 2007.

SEC. 309. BASIS ADJUSTMENT TO STOCK OF S CORPORATIONS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.

(a) IN GENERAL.—The last sentence of section 1367(a)(2) (relating to decreases in basis) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2007.

SEC. 310. INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAX TO PUERTO RICO AND THE VIRGIN ISLANDS.

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2014''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2007.

SEC. 311. PARITY IN THE APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS.

(a) IN GENERAL.—Subsection (f) of section 9812 (relating to application of section) is amended—

(1) by striking ''and'' at the end of paragraph (2),

(2) by striking the period at the end of paragraph (3) and inserting '', and before the date of the enactment of the Alternative

Minimum Tax and Extenders Tax Relief Act of 2008, and'', and

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

''(4) after December 31, 2013.''.

(b) AMENDMENT TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 712(f) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a(f)) is amended by inserting '', and before the date of the enactment of the Alternative Minimum Tax and Extenders Tax Relief Act of 2008, and after December 31, 2013'' after ''December 31, 2007''.

(c) AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.—Section 2705(f) of the Public Health Service Act (42 U.S.C. 300gg–5(f)) is amended by inserting '', and before the date of the enactment of the Alternative Minimum Tax and Extenders Tax Relief Act of 2008, and after December 31, 2013'' after ''December 31, 2007''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to benefits for services furnished on or after the date of the enactment of this Act.

SEC. 312. EXTENSION OF ECONOMIC DEVELOPMENT CREDIT FOR AMERICAN SAMOA.

(a) IN GENERAL.—Subsection (d) of section 119 of division A of the Tax Relief and Health Care Act of 2006 is amended—

(1) by striking ''first two taxable years'' and inserting ''first 8 taxable years'', and

(2) by striking ''January 1, 2008'' and inserting ''January 1, 2014''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 313. EXTENSION OF MINE RESCUE TEAM TRAINING CREDIT.

Section 45N(e) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

SEC. 314. EXTENSION OF ELECTION TO EXPENSE ADVANCED MINE SAFETY EQUIPMENT.

Section 179E(g) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

SEC. 315. EXTENSION OF EXPENSING RULES FOR QUALIFIED FILM AND TELEVISION PRODUCTIONS.

Section 181(f) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

SEC. 316. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

(a) IN GENERAL.—Subparagraph (C) of section 199(d)(8) (relating to termination) is amended—

(1) by striking ''first 2 taxable years'' and inserting ''first 8 taxable years'', and

(2) by striking ''January 1, 2008'' and inserting ''January 1, 2014''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 317. EXTENSION OF QUALIFIED ZONE ACADEMY BONDS.

(a) IN GENERAL.—Paragraph (1) of section 1397E(e) is amended by striking ''and 2007'' and inserting ''2007, 2008, 2009, 2010, 2011, 2012, and 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 318. INDIAN EMPLOYMENT CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45A (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 319. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON INDIAN RESERVATION.

(a) IN GENERAL.—Paragraph (8) of section 168(j) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SEC. 320. RAILROAD TRACK MAINTENANCE.

(a) IN GENERAL.—Subsection (f) of section 45G (relating to application of section) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2014''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred during taxable years beginning after December 31, 2007.

SEC. 321. SEVEN-YEAR COST RECOVERY PERIOD FOR MOTORSPORTS RACING TRACK FACILITY.

(a) IN GENERAL.—Subparagraph (D) of section 168(i)(15) (relating to termination) is amended to read as follows:

''(D) APPLICATION OF PARAGRAPH.—Such term shall apply to property placed in service after the date of the enactment of the Alternative Minimum Tax and Extenders Tax Relief Act of 2008 and before January 1, 2014.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 322. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) IN GENERAL.—Subsection (h) of section 198 (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2007.

SEC. 323. EXTENSION OF WORK OPPORTUNITY TAX CREDIT FOR HURRICANE KATRINA EMPLOYEES.

(a) IN GENERAL.—Paragraph (1) of section 201(b) of the Katrina Emergency Tax Relief Act of 2005 is amended by striking ''2-year'' and inserting ''8-year''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals hired after August 27, 2007.

SEC. 324. ENHANCED DEDUCTION FOR QUALIFIED COMPUTER CONTRIBUTIONS.

(a) IN GENERAL.—Subparagraph (G) of section 170(e)(6) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made during taxable years beginning after December 31, 2007.

SEC. 325. TAX INCENTIVES FOR INVESTMENT IN THE DISTRICT OF COLUMBIA.

(a) DESIGNATION OF ZONE.—

(1) IN GENERAL.—Subsection (f) of section 1400 is amended by striking ''2007'' both places it appears and inserting ''2013''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to periods beginning after December 31, 2007.

(b) TAX-EXEMPT ECONOMIC DEVELOPMENT BONDS.—

(1) IN GENERAL.—Subsection (b) of section 1400A is amended by striking ''2007'' and inserting ''2013''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to bonds issued after December 31, 2007.

(c) ZERO PERCENT CAPITAL GAINS RATE.—

(1) IN GENERAL.—Subsection (b) of section 1400B is amended by striking ''2008'' each place it appears and inserting ''2014''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1400B(e)(2) is amended—

(i) by striking ''2012'' and inserting ''2018'', and

(ii) by striking ''2012'' in the heading thereof and inserting ''2018''.

(B) Section 1400B(g)(2) is amended by striking ''2012'' and inserting ''2018''.

(C) Section 1400F(d) is amended by striking ''2012'' and inserting ''2018''.

(3) EFFECTIVE DATES.—

(A) EXTENSION.—The amendments made by paragraph (1) shall apply to acquisitions after December 31, 2007.

(B) CONFORMING AMENDMENTS.—The amendments made by paragraph (2) shall take effect on the date of the enactment of this Act.

(d) FIRST-TIME HOMEBUYER CREDIT.—

(1) IN GENERAL.—Subsection (i) of section 1400C is amended by striking ''2008'' and inserting ''2013''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property purchased after December 31, 2007.

TITLE IV—EXTENSIONS OF ENERGY PROVISIONS

SEC. 401. EXTENSION OF CREDIT FOR ENERGY EFFICIENT APPLIANCES.

(a) IN GENERAL.—Subsection (b) of section 45M (relating to applicable amount) is amended by striking ''calendar year 2006 or 2007'' each place it appears in paragraphs (1)(A)(i), (1)(B)(i), (1)(C)(ii)(I), and (1)(C)(iii)(I), and inserting ''calendar year 2006, 2007, 2008, 2009, 2010, 2011, 2012, or 2013''.

(b) RESTART OF CREDIT LIMITATION.—Paragraph (1) of section 45M(e) (relating to aggregate credit amount allowed) is amended by inserting ''beginning after December 31, 2007'' after ''for all prior taxable years''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after December 31, 2007.

SEC. 402. EXTENSION OF CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) IN GENERAL.—Section 25C(g) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SEC. 403. EXTENSION OF CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY.

Section 25D(g) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

SEC. 404. EXTENSION OF RENEWABLE ELECTRICITY, REFINED COAL, AND INDIAN COAL PRODUCTION CREDIT.

Section 45(d) (relating to qualified facilities) is amended by striking ''January 1, 2009'' each place it appears in paragraphs (1), (2), (3), (4), (5), (6), (7), (8), (9), and (10) and inserting ''January 1, 2014''.

SEC. 405. EXTENSION OF NEW ENERGY EFFICIENT HOME CREDIT.

Subsection (g) of section 45L (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

SEC. 406. EXTENSION OF ENERGY CREDIT.

(a) SOLAR ENERGY PROPERTY.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 48(a) (relating to energy credit) are each amended by striking ''January 1, 2009'' and inserting ''January 1, 2014''.

(b) FUEL CELL PROPERTY.—Subparagraph (E) of section 48(c)(1) (relating to qualified fuel cell property) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

(c) MICROTURBINE PROPERTY.—Subparagraph (E) of section 48(c)(2) (relating to qualified microturbine property) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

SEC. 407. EXTENSION AND MODIFICATION OF CREDIT FOR CLEAN RENEWABLE ENERGY BONDS.

(a) EXTENSION.—Section 54(m) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

(b) INCREASE IN NATIONAL LIMITATION.—Section 54(f) (relating to limitation on amount of bonds designated) is amended—

(1) by striking ''$1,200,000,000'' in paragraph (1) and inserting ''$1,600,000,000'', and

(2) by striking ''$750,000,000'' in paragraph (2) and inserting ''$1,000,000,000''.

(c) MODIFICATION OF RATABLE PRINCIPAL AMORTIZATION REQUIREMENT.—

(1) IN GENERAL.—Paragraph (5) of section 54(l) is amended to read as follows:

''(5) RATABLE PRINCIPAL AMORTIZATION REQUIRED.—A bond shall not be treated as a clean renewable energy bond unless it is part of an issue which provides for an equal amount of principal to be paid by the qualified issuer during each 12-month period that the issue is outstanding (other than the first 12-month period).''.

(2) TECHNICAL AMENDMENT.—The third sentence of section 54(e)(2) is amended by striking ''subsection (l)(6)'' and inserting ''subsection (l)(5)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 408. EXTENSION OF ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

Section 179D(h) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

SEC. 409. EXTENSION OF SPECIAL RULE TO IMPLEMENT FERC AND STATE ELECTRIC RESTRUCTURING POLICY.

(a) IN GENERAL.—Paragraph (3) of section 451(i) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2014''.

(b) EXTENSION OF PERIOD FOR TRANSFER OF OPERATIONAL CONTROL AUTHORIZED BY FERC.—Clause (ii) of section 451(i)(4)(B) is amended by striking ''December 31, 2007'' and inserting ''the date which is 4 years after the close of the taxable year in which the transaction occurs''.

(c) EFFECTIVE DATES.—

(1) EXTENSION.—The amendments made by subsection (a) shall apply to transactions after December 31, 2007.

(2) TRANSFERS OF OPERATIONAL CONTROL.—The amendment made by subsection (b) shall take effect as if included in section 909 of the American Jobs Creation Act of 2004.

SEC. 410. SUSPENSION OF TAXABLE INCOME LIMIT WITH RESPECT TO MARGINAL PRODUCTION.

(a) IN GENERAL.—Subparagraph (H) of section 613A(c)(6) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2014''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 411. EXTENSION OF CREDITS FOR BIODIESEL AND RENEWABLE DIESEL.

(a) IN GENERAL.—Sections 40A(g), 6426(c)(6), and 6427(e)(5)(B) are each amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel produced, and sold or used, after December 31, 2008.

TITLE V—TAX ADMINISTRATION

SEC. 501. PERMANENT AUTHORITY FOR UNDERCOVER OPERATIONS.

(a) IN GENERAL.—Section 7608(c) (relating to rules relating to undercover operations) is amended by striking paragraph (6).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to operations conducted after the date of the enactment of this Act.

SEC. 502. PERMANENT DISCLOSURES OF CERTAIN TAX RETURN INFORMATION.

(a) DISCLOSURES TO FACILITATE COMBINED EMPLOYMENT TAX REPORTING.—

(1) IN GENERAL.—Section 6103(d)(5) (relating to disclosure for combined employment tax reporting) is amended—

(A) by striking ''REPORTING'' in the heading thereof and all that follows through ''The Secretary'' in subparagraph (A) and inserting ''REPORTING.—The Secretary'', and

(B) by striking subparagraph (B).

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to disclosures after the date of the enactment of this Act.

(b) DISCLOSURES RELATING TO CERTAIN PROGRAMS ADMINISTERED BY THE DEPARTMENT OF VETERANS AFFAIRS.—

(1) IN GENERAL.—Section 6103(l)(7)(D) (relating to programs to which rule applies) is amended by striking the last sentence.

(2) TECHNICAL AMENDMENT.—Section 6103(l)(7)(D)(viii)(III) is amended by striking ''sections 1710(a)(1)(I), 1710(a)(2), 1710(b), and 1712(a)(2)(B)'' and inserting ''sections 1710(a)(2)(G), 1710(a)(3), and 1710(b)''.

SEC. 503. DISCLOSURE OF INFORMATION RELATING TO TERRORIST ACTIVITIES.

(a) DISCLOSURE OF RETURN INFORMATION TO APPRISE APPROPRIATE OFFICIALS OF TERRORIST ACTIVITIES.—Clause (iv) of section 6103(i)(3)(C) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(b) DISCLOSURE UPON REQUEST OF INFORMATION RELATING TO TERRORIST ACTIVITIES.—Subparagraph (E) of section 6103(i)(7) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to disclosures after the date of the enactment of this Act.

Mr. MCCRERY (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading of the motion.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana is recognized for 5 minutes in support of his motion.

Mr. MCCRERY. Mr. Speaker, this is a straightforward motion that offers Members of this House a simple choice. Are you in favor of long-term extensions of these expiring tax provisions and extending the all-important AMT patch, without raising taxes?

As we have discussed at length here today, the majority's bill unwisely adheres to their ill-advised PAYGO rules. Thus, they have once again found themselves boxed in a corner, scouring the Tax Code for ways to fuel their agenda. Whether that agenda involves additional spending, new tax incentives, or even just extensions of the low-tax policies that Republicans originally enacted during our time in the majority, the Democrat solution seems to always be the same: tax, tax, tax.

Today's bill is no different. While there is virtually no disagreement in this House that the expiring tax reductions contained in the underlying legislation need to be renewed, the two parties seem to have a major disagreement about whether revenue-raisers should be necessary to pay for them. The majority's bill represents a clear choice in favor of higher taxes. Our motion to recommit, on the other hand, represents a clear choice in favor of extending current tax relief, without offsetting tax increases.

Unlike the bill brought forward today by the majority, Mr. Speaker, which contains $55.5 billion in revenue-raisers, our motion contains no—repeat, no—tax increases. Democrats were wrong to propose these sorts of offsetting tax hikes last year, and they're wrong again today. If they stick with their misguided PAYGO rules, they'll be wrong again in 2010 as well, when a huge number of critically important tax policies, ranging from the expanded $1,000 child credit to the lower rates on dividends and capital gains and lower individual rates will expire. And the majority's PAYGO logic will then require more than a $3.5 trillion tax increase simply to maintain current law. But that's where PAYGO will take us.

This motion to recommit offers us a different path, Mr. Speaker. Not only does our motion reject the majority's tax hikes, it extends the bill's positive provisions for considerably longer than the underlying bill does. Indeed, our motion extends the package of expiring provisions, including all the expiring energy tax provisions, through 2013.

So if you support the deduction for State and local sales taxes, here's your chance to extend it for 6 years, not just 1. If you support the research and development tax credit, here's your chance to extend it for 6 years, not just 1.

In short, if you want to extend all of the important low-tax policies that expired last year—as well as the energy extenders that are set to expire just months from now—on a long-term basis, here's your chance.

This motion also gives Members the opportunity to extend one final crucial provision that has gone completely unaddressed by the majority: the AMT patch. As we've highlighted throughout today's debate, the majority's legislation is deafeningly silent on the urgently needed AMT patch. Their bill's failure to patch the AMT for 2008 means that more than 25 million middle class individuals and families are in line for a $61.5 billion tax hike next April, an average tax increase for those families of more than $2,400 per taxpayer.

Our motion does what everyone knows must be done. It patches the AMT for 2008, and it does so early in the year to help ensure that we avoid a repeat performance of the legislative meltdown engineered by the majority last year, which prevented the 2007 patch from being enacted until the day after Christmas. We need to patch the AMT and we need to patch it now. This motion gives us that opportunity.

I will close, Mr. Speaker, with just a word about process. I suspect that we'll hear from our friends on the other side that this motion will kill the bill. Well, Mr. Speaker, I would submit to you that you can't kill a bill that's already dead. This bill is dead on arrival in the other body, Mr. Speaker. Forty-one Senators signed a letter last month pledging to oppose tax bills that contain revenue-raising offsets.

On the very same day that our committee, the Ways and Means Committee, reported out this bill last week, our colleagues across the Capitol passed a motion on the Senate floor instructing Senate conferees on the budget resolution to reject the House's plan to raise $110 billion in taxes in order to pay for the extension of expiring provisions, including the AMT patch.

And, Mr. Speaker, even if this legislation somehow got through the Senate, the President has indicated he would veto the bill.

You can't kill a bill that's already dead, Mr. Speaker. So let's use this motion to recommit to revive this bill, send it back to committee so that we can do our work in a bipartisan way, and get a bill passed and to the President that he will sign.

Mr. RANGEL. Mr. Speaker, I rise in outrageous opposition to the motion to recommit that has been offered to this House.

The SPEAKER pro tempore. The gentleman from New York is recognized for 5 minutes.

Mr. RANGEL. One, the outrage concerns my love for the Congress and the Constitution. And to think that this great House and the committee which I'm proud to chair would even have to consider what they're thinking, if they're thinking at all on the other side, to decide what we're going to legislate outrages me.

□ 1530

Two, whatever the President says he's going to do or may do—we understand that he's addicted to veto, but that shouldn't stop us from doing the right thing.

And why do I think basically it's the right thing? Well, it has to be if you want to extend it for 5 years. So your vote on this, after the motion to recommit dies on this floor, is going to be very interesting as to if you want it for 5, why wouldn't you want to extend it at least for 1?

Lastly, I wish that I had some time to share with my friend, whom I've enjoyed working with as the ranking member of the Ways and Means Committee, to ask him how much money do you think they have in Japan and China to loan us? There must be some limit to their capacity.

Our bill costs about $125 billion altogether, I think. $54 billion for the energy provisions as well as for this. So I assume that you want to add another $200 billion to that. And I don't remember you using the creative language that you used when you and the Senate—that you and the other body, whatever they call themselves—decided that you don't have to pay for the alternative minimum tax.

First of all, if I understood that, I'll take it home to my wife and explain that there are ways that you can lose revenue and not renew it and still not change your lifestyle. And if it works at home, I will come here, and at least for the next Congress, ask Mr. MCCRERY, if he can't stay over there, come on our side and explain how, if the President puts in the budget that we should be expecting money from these 25 million hostages that shouldn't have to pay the tax, that we don't have to make up for the money.

So I assume that you have now extended this to cover the extenders. And I hope really that you would stick around a little while so that you will be able to work with me and the next President, not to explain why in the last 8 years we haven't reformed this doggone tax system. Most of this stuff shouldn't be in the Tax Code. You know it and I know it. And the things that should be in the Tax Code should be made permanent. The stuff that shouldn't be in there should be taken out.

So in 8 years, the President is now talking about vetoing. Why didn't he take enough time to say, Let's straighten out the code, let's attempt to balance the budget, let's do the right thing for energy and whatever has to be in an extender that expires, help us to get rid of it without being charged with raising taxes. Any extender that expires, we would say that it raises taxes.

I know and Secretary Paulson knows, and we'll be hearing more from him probably after he leaves the administration, that this House has the responsibility of having a Tax Code that is simple, that is economically inspiring, and is something that can be confident and things shouldn't expire. If they expire, they shouldn't be in there in the first place. If it is good, it should stay in the Tax Code so there's reliability.

And if you're going to say that we're not going to get revenues as a result of extending this, we say for 1 year, we will raise the money, we will do it the right way, we will be proud of it, and in a small way attempt to stop this deficit.

But be kind to the people in Japan. Be kind to the people in China. They can't forever support everything that the Republicans want.

We're going to have to make sacrifices if we want to make changes. So this war is one against ignorance and not having the research and development. It's one in trying to have research and development for our corporations, but, more importantly, to find alternatives to this addiction that we have.

So you have been there for 8 years. Please don't try to change the things in 10 minutes here. Join with us. Let's work together in a bipartisan way, and let's mark down this day that is a day that House Democrats and Republicans said, stop the addiction, move to the alternatives, and dedicate ourselves to having a reformed Tax Code, if not this year then certainly next year.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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

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

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

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

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 6049 and motions to suspend the rules on H.R. 1771 and H.R. 4841.

The vote was taken by electronic device, and there were—yeas 201, nays 220, not voting 13, as follows:

[Roll No. 343]

YEAS—201

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Castle
Chabot
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul

Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NAYS—220

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—13

Brown, Corrine
Carter
Castor
Coble
Costa
Crenshaw
Gillibrand
Kennedy
Rush
Sensenbrenner
Tiahrt
Wexler
Wynn

□ 1600

Messrs. BERRY, KUCINICH, SPRATT, BUTTERFIELD, KLEIN of Florida, ALTMIRE, DICKS, LANGEVIN, OLVER, GEORGE MILLER of California, RUPPERSBERGER, REYES and SHERMAN changed their vote from ''yea'' to ''nay.''

Messrs. McKEON, WALSH of New York, BURGESS, McINTYRE and MITCHELL changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. COBLE. Mr. Speaker, on rollcall No. 343, I was attending the graduation ceremony at the United States Coast Guard Academy. Had I been present, I would have voted "yea."

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. HERGER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 263, noes 160, not voting 12, as follows:

[Roll No. 344]

AYES—263

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown-Waite, Ginny
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Gerlach
Giffords
Gilchrest
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
LaHood
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Reyes
Richardson
Rodriguez
Rogers (AL)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—160

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Chabot
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Doolittle
Drake
Dreier
Emerson
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Ramstad
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Turner
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)

Weller	Wilson (NM)	Wolf
Westmoreland	Wilson (SC)	Young (AK)
Whitfield (KY)	Wittman (VA)	Young (FL)

NOT VOTING—12

Brown, Corrine	Crenshaw	Sensenbrenner
Carter	Gillibrand	Tiahrt
Castor	Kennedy	Wexler
Coble	Rush	Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are 2 minutes remaining on this vote.

□ 1608

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. COBLE. Mr. Speaker, on rollcall No. 344, I was attending the graduation ceremony at the United States Coast Guard Academy. Had I been present, I would have voted ''no.''

CRANE CONSERVATION ACT OF 2008

The SPEAKER pro tempore (Mr. WEINER). The unfinished business is the question on suspending the rules and passing the bill, H.R. 1771, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1771, as amended.

The question was taken.

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

RECORDED VOTE

Mr. WALDEN of Oregon. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 304, noes 118, not voting 12, as follows:

[Roll No. 345]

AYES—304

Abercrombie	Brady (PA)	Cramer
Ackerman	Braley (IA)	Crowley
Allen	Brown-Waite, Ginny	Cuellar
Altmire	Buchanan	Cummings
Andrews	Butterfield	Davis (AL)
Arcuri	Capito	Davis (CA)
Baca	Capps	Davis (IL)
Bachus	Capuano	Davis (KY)
Baird	Cardoza	Davis, Lincoln
Baldwin	Carnahan	Davis, Tom
Barrow	Carney	DeFazio
Bartlett (MD)	Carson	DeGette
Bean	Castle	Delahunt
Becerra	Cazayoux	DeLauro
Berkley	Chabot	Dent
Berman	Chandler	Diaz-Balart, L.
Berry	Childers	Diaz-Balart, M.
Biggert	Clarke	Dicks
Bilirakis	Clay	Dingell
Bishop (GA)	Cleaver	Doggett
Bishop (NY)	Clyburn	Donnelly
Blumenauer	Cohen	Doyle
Bono Mack	Cole (OK)	Edwards
Boren	Conyers	Ehlers
Boswell	Cooper	Ellison
Boucher	Costa	Ellsworth
Boustany	Costello	Emanuel
Boyd (FL)	Courtney	Engel
Boyda (KS)	Cramer	English (PA)
Eshoo	Lofgren, Zoe	Rothman
Etheridge	Lowey	Roybal-Allard
Farr	Lynch	Ruppersberger
Fattah	Mahoney (FL)	Ryan (OH)
Ferguson	Maloney (NY)	Ryan (WI)
Filner	Markey	Salazar
Fortenberry	Marshall	Sánchez, Linda T.
Foster	Matheson	Sanchez, Loretta
Frank (MA)	Matsui	Sarbanes
Frelinghuysen	McCarthy (NY)	Saxton
Gerlach	McCollum (MN)	Schakowsky
Giffords	McCotter	Schiff
Gilchrest	McCrery	Schmidt
Gonzalez	McDermott	Schwartz
Goodlatte	McGovern	Scott (GA)
Gordon	McHugh	Scott (VA)
Green, Al	McIntyre	Serrano
Green, Gene	McMorris Rodgers	Sestak
Grijalva	McNerney	Shays
Gutierrez	McNulty	Shea-Porter
Hall (NY)	Meek (FL)	Sherman
Hare	Meeks (NY)	Shuler
Harman	Melancon	Simpson
Hastings (FL)	Michaud	Sires
Hayes	Miller (MI)	Skelton
Heller	Miller (NC)	Slaughter
Herseth Sandlin	Miller, George	Smith (NE)
Higgins	Mitchell	Smith (NJ)
Hill	Mollohan	Smith (TX)
Hinchey	Moore (KS)	Smith (WA)
Hinojosa	Moore (WI)	Snyder
Hirono	Moran (KS)	Solis
Hobson	Moran (VA)	Space
Hodes	Murphy (CT)	Speier
Holden	Murphy, Patrick	Spratt
Holt	Murphy, Tim	Stark
Honda	Murtha	Stupak
Hooley	Nadler	Sutton
Hoyer	Napolitano	Tanner
Inslee	Neal (MA)	Tauscher
Israel	Oberstar	Taylor
Jackson (IL)	Obey	Terry
Jackson-Lee (TX)	Olver	Thompson (CA)
Jefferson	Ortiz	Thompson (MS)
Johnson (GA)	Pallone	Tierney
Johnson (IL)	Pascrell	Towns
Johnson, E. B.	Pastor	Tsongas
Jones (NC)	Payne	Turner
Jones (OH)	Pearce	Udall (CO)
Kagen	Perlmutter	Udall (NM)
Kanjorski	Peterson (MN)	Upton
Kaptur	Peterson (PA)	Van Hollen
Keller	Petri	Velázquez
Kildee	Platts	Visclosky
Kilpatrick	Pomeroy	Walsh (NY)
Kind	Porter	Walz (MN)
Kirk	Price (NC)	Wasserman Schultz
Klein (FL)	Pryce (OH)	Waters
Knollenberg	Putnam	Watson
Kucinich	Rahall	Watt
Kuhl (NY)	Ramstad	Waxman
Lampson	Rangel	Weiner
Langevin	Regula	Welch (VT)
Larsen (WA)	Rehberg	Weller
Larson (CT)	Reichert	Whitfield (KY)
Latham	Renzi	Wilson (NM)
LaTourette	Reyes	Wilson (OH)
Lee	Reynolds	Wolf
Levin	Richardson	Woolsey
Lewis (GA)	Rodriguez	Wu
Lipinski	Rogers (AL)	Yarmuth
LoBiondo	Ros-Lehtinen	Young (FL)
Loebsack	Ross	

NOES—118

Aderholt	Cantor	Goode
Akin	Conaway	Granger
Alexander	Cubin	Graves
Bachmann	Culberson	Hall (TX)
Barrett (SC)	Davis, David	Hastings (WA)
Barton (TX)	Deal (GA)	Hensarling
Bilbray	Doolittle	Herger
Bishop (UT)	Drake	Hoekstra
Blackburn	Dreier	Hulshof
Blunt	Duncan	Hunter
Boehner	Emerson	Inglis (SC)
Bonner	Everett	Issa
Boozman	Fallin	Johnson, Sam
Brady (TX)	Feeney	Jordan
Broun (GA)	Flake	King (IA)
Brown (SC)	Forbes	King (NY)
Burgess	Fossella	Kingston
Burton (IN)	Foxx	Kline (MN)
Buyer	Franks (AZ)	LaHood
Calvert	Gallegly	Lamborn
Camp (MI)	Garrett (NJ)	Latta
Campbell (CA)	Gingrey	Lewis (CA)
Cannon	Gohmert	Lewis (KY)
Linder	Nunes	Shimkus
Lucas	Paul	Shuster
Lungren, Daniel E.	Pence	Souder
Mack	Pickering	Stearns
Manzullo	Pitts	Sullivan
Marchant	Poe	Tancredo
McCarthy (CA)	Price (GA)	Thornberry
McCaul (TX)	Radanovich	Tiberi
McHenry	Rogers (KY)	Walberg
McKeon	Rogers (MI)	Walden (OR)
Mica	Rohrabacher	Wamp
Miller (FL)	Roskam	Weldon (FL)
Miller, Gary	Royce	Westmoreland
Musgrave	Sali	Wilson (SC)
Myrick	Scalise	Wittman (VA)
Neugebauer	Sessions	Young (AK)
	Shadegg	

NOT VOTING—12

Brown, Corrine	Crenshaw	Sensenbrenner
Carter	Gillibrand	Tiahrt
Castor	Kennedy	Wexler
Coble	Rush	Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1616

Mr. MORAN of Kansas changed his vote from ''aye'' to ''no.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. COBLE. Mr. Speaker, on rollcall No. 345, I was attending the graduation ceremony at the United States Coast Guard Academy. Had I been present, I would have voted ''aye.''

Mr. HERGER. Mr. Speaker, I inadvertently missed rollcall No. 345. Had I been present, I would have voted ''aye.''

SOBOBA BAND OF LUISENO INDIANS SETTLEMENT ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 4841, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 4841, as amended.

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

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 6041

Mr. SAM JOHNSON of Texas. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor from H.R. 6041.

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

There was no objection.

PERMISSION TO CONSIDER AS ADOPTED MOTIONS TO SUSPEND THE RULES

Mr. PETERSON of Minnesota. Mr. Speaker, I ask unanimous consent that the motions to suspend the rules relating to the following measures be considered as adopted in the form considered by the House on Monday, May 19, 2008:

House Concurrent Resolution 300, Senate Joint Resolution 17, House Concurrent Resolution 325, House Resolution 1074, H.R. 3323, House Concurrent Resolution 334, House Resolution 1152, House Resolution 1132, House Resolution 1153, House Resolution 1026, H.R. 752, and H.R. 5787.

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

There was no objection.

The SPEAKER pro tempore. Without objection, applicable titles are amended.

There was no objection.

The SPEAKER pro tempore. Without objection, sundry motions to reconsider are laid on the table.

There was no objection.

FOOD, CONSERVATION, AND ENERGY ACT OF 2008—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–115)

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith without my approval H.R. 2419, the ''Food, Conservation, and Energy Act of 2008.''

For a year and a half, I have consistently asked that the Congress pass a good farm bill that I can sign. Regrettably, the Congress has failed to do so. At a time of high food prices and record farm income, this bill lacks program reform and fiscal discipline. It continues subsidies for the wealthy and increases farm bill spending by more than $20 billion, while using budget gimmicks to hide much of the increase. It is inconsistent with our objectives in international trade negotiations, which include securing greater market access for American farmers and ranchers. It would needlessly expand the size and scope of government. Americans sent us to Washington to achieve results and be good stewards of their hard-earned taxpayer dollars. This bill violates that fundamental commitment.

In January 2007, my Administration put forward a fiscally responsible farm bill proposal that would improve the safety net for farmers and move current programs toward more market-oriented policies. The bill before me today fails to achieve these important goals.

At a time when net farm income is projected to increase by more than $28 billion in 1 year, the American taxpayer should not be forced to subsidize that group of farmers who have adjusted gross incomes of up to $1.5 million. When commodity prices are at record highs, it is irresponsible to increase government subsidy rates for 15 crops, subsidize additional crops, and provide payments that further distort markets. Instead of better targeting farm programs, this bill eliminates the existing payment limit on marketing loan subsidies.

Now is also not the time to create a new uncapped revenue guarantee that could cost billions of dollars more than advertised. This is on top of a farm bill that is anticipated to cost more than $600 billion over 10 years. In addition, this bill would force many businesses to prepay their taxes in order to finance the additional spending.

This legislation is also filled with earmarks and other ill-considered provisions. Most notably, H.R. 2419 provides: $175 million to address water issues for desert lakes; $250 million for a 400,000-acre land purchase from a private owner; funding and authority for the noncompetitive sale of National Forest land to a ski resort; and $382 million earmarked for a specific watershed. These earmarks, and the expansion of Davis-Bacon Act prevailing wage requirements, have no place in the farm bill. Rural and urban Americans alike are frustrated with excessive government spending and the funneling of taxpayer funds for pet projects. This bill will only add to that frustration.

The bill also contains a wide range of other objectionable provisions, including one that restricts our ability to redirect food aid dollars for emergency use at a time of great need globally. The bill does not include the requested authority to buy food in the developing world to save lives. Additionally, provisions in the bill raise serious constitutional concerns. For all the reasons outlined above, I must veto H.R. 2419, and I urge the Congress to extend current law for a year or more.

I veto this bill fully aware that it is rare for a stand-alone farm bill not to receive the President's signature, but my action today is not without precedent. In 1956, President Eisenhower stood firmly on principle, citing high crop subsidies and too much government control of farm programs among the reasons for his veto. President Eisenhower wrote in his veto message, ''Bad as some provisions of this bill are, I would have signed it if in total it could be interpreted as sound and good for farmers and the nation.'' For similar reasons, I am vetoing the bill before me today.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 21, 2008*.

The SPEAKER pro tempore. The objections of the President will be spread at large upon the Journal, and the veto message and the bill will be printed as a House document.

The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

The gentleman from Minnesota (Mr. PETERSON) is recognized for 1 hour.

□ 1630

Mr. PETERSON of Minnesota. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Virginia (Mr. GOODLATTE) and further would yield 10 minutes of my time to the gentleman from Wisconsin (Mr. KIND) and ask unanimous consent that he may control that time.

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

There was no objection.

Mr. PETERSON of Minnesota. I yield myself such time as I may consume.

I ask my colleagues to listen up here because this has been a very difficult bill and there has been numerous problems that have developed every day for the last year-and-a-half. I guess it's appropriate that there would be a problem that would be developing today as well.

When the enrolling clerk enrolled the bill to send to the White House, somehow or another they inadvertently, or however it happened, did not include the trade title, title III of the bill, in the official documents that went to the White House. So the President vetoed the bill minus the trade title, title III.

The trade title includes the food aid programs, including McGovern-Dole; it includes the market promotion; the export credit program; the market access program, and it also includes the soft wood lumber certification program.

So we are moving ahead to override the veto that the President has done. But we have this issue that one of the titles is missing from the bill. We have a process after we get through the override to try to deal with that issue.

Mr. Speaker, the President's veto message said that when the commodity prices are high, it's irresponsible to increase government subsidy rates for 15 crops and subsidize additional crops and so forth. We made some adjustments in some of the price supports to try to rebalance the system from what it has been in the past. These were modest, and I think it's questionable that you would use this as one of the items in the veto override.

As I have worked through this process, I spent more time than anybody else talking to the White House, trying to avoid the situation we are in today, where the President has vetoed this bill. I don't know that anybody else has spent more time trying to work with the White House. The problem has been that they keep changing the objections to the bill, and 2 or 3 weeks ago, when we tried to engage the White House to be able to work with them in a negotiating fashion to take into consideration some of their concerns, their position was that, well, they had these demands but they really weren't in a position or willing to negotiate with us.

So we have come to this day where the White House has vetoed this bill,

which I regret. But we have a good bill that I think all of us should be proud of. It maintains a safety net for farmers, by and large, in the way it was done in the 2002 bill. We did make some changes; reductions in crop insurance and some other areas. We included a new disaster program that is paid for, that would be an unusual situation because generally the disaster ad hocs that we have done have not been paid for. So we think we have made some improvements in area.

We responded to the concern of people around the country of food costs and the way food prices have gone up by taking all of the new money, the whole $10 billion of new money that was put into the bill over and above the baseline and we have put that into nutrition programs. $10.364 billion in this bill was put into nutrition programs. That includes modernizing and indexing food stamps; $1.25 billion for food shelves and food banks that are basically bare right now; and also a new fruit and vegetable snack program for folks in low-income schools so that our kids can have healthy snacks and have an alternative to some of the things that they are now snacking on. We also made some changes, as I said, in the commodity area so that we could improve substantially conservation. We have added a specialty crop title to this bill, and we have also added an energy title to this bill.

So we have responded to what we heard when we traveled the country under the leadership of then-Chairman GOODLATTE. We have responded to all of the areas. We think we have a bill that is responsible, that is paid for without tax increases, that puts the priorities where they need to be in this country.

I would ask my colleagues to follow up on the good vote that we had last Wednesday on the bill when it was on the floor and give us the majority today to override the President's veto.

With that, I would reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, of the 30 minutes yielded to me by the gentleman from Minnesota, I would ask unanimous consent to yield 10 minutes to the gentleman from Arizona so that he may manage that time as a part of the debate.

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

There was no objection.

Mr. GOODLATTE. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I rise in support of the farm bill, and the words before me say ''the very same farm bill passed by this body last week with an overwhelming bipartisan majority.'' Now we find that it is not quite the same farm bill because of an enrolling error or something in the transmission of the document. I certainly hope that we can find an amicable way to make sure that the trade title of this bill, which is an important title, is included in the final product, whether as a part of a joint resolution or by some other means of adopting that.

This bill was a collaborative effort, crafted by Members on both sides of the aisle and both sides of the Capitol, and is historic in the amount and degree of reform. It costs less than either the House or the Senate bills and ensures Americans will continue to enjoy access to a safe, affordable, and reliable food supply.

Last week, the 318 bipartisan votes in favor of the farm bill sent a clear message: This is a good bill and there is significant support for it. Despite what has been opined by editorial boards throughout the country, this bill contains significant reforms and is the most reform-minded farm bill this body has ever considered. Granted, everyone didn't get exactly what they wanted. We all gave a little and we all got a little. But such is the nature of compromise. Given the diverse nature of a farm bill, it is extremely difficult to manage the scope of needs within the farm bill, and even more difficult when you're not given the resources needed to do so.

This bill contains many of the ideas suggested in the administration's farm bill proposal. Like the administration, we utilized the adjusted gross income to reduce payments to the wealthiest farmers and ranchers. We eliminated the three-entity rule, created a revenue-base countercyclical program, modified and modernized the dairy program, modified planting flexibility rules, increased the efficiency of the crop insurance program, directed funding to the development of cellulosic ethanol, included programs for beginning and socially disadvantaged farmers, and created beneficial interest for the loan programs.

Variations of these measures were included in the administration's proposal. We may not have gone as far as the administration wanted, but these reforms help make this a better bill than the House or Senate farm bills.

It is important to point out that despite comments to the contrary, this bill is completely paid for, without any tax increases. While many throughout the world are feeling the effects of increased food prices, U.S. consumers have been largely insulated from spikes in food prices because many years ago we established a food production system that maintains an adequate supply in good times and in bad. Because it is produced domestically, we know it to be safe and affordable.

This bill ensures that Americans will continue to enjoy the access to a safe, affordable, and reliable food supply, and I urge my colleagues to join me in supporting this farm bill, which moved substantially in the direction that the President asked for, but which did not meet all of his goals. I think we have increased the support for this bill substantially by almost 90 Members in the process, and I urge my colleagues to support this override vote.

Mr. KIND. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, we do need a farm bill. It's planting season throughout the country. The farm economy is crucial in regards to the health and well-being of our Nation. It's an integral part of the economic well-being of my home State in Wisconsin. But I always believed that we should have the right type of farm bill, not the wrong type of farm bill before us today.

Merely because the President is not the most popular person in the country today doesn't mean that he is always wrong. I think he is right when he is sending back a veto message telling the Congress today: We can do better. We should do better. We ought not be giving large taxpayer subsidies to wealthy individuals at a time of record commodity prices.

The modicum of reform that is being hailed under the commodity title is barely the illusion of reform. In fact, if you look at the three main subsidy programs that still exist and still continue on this farm bill, the loan deficiency program, the countercyclical, and the direct payment all of them are going up, in practice. They are increasing the loan rates under the LDP program, increasing the target price under the countercyclical, they are expanding the maximum amount allotted under the direct payments from $40,000 to $45,000.

While the gentleman from Virginia is correct that there is a little tightening of the adjusted gross payment limit to farm entities, it doesn't come anywhere close to the type of reform that is eminently justifiable in light of farm income and debt to asset ratio.

By the time you allow two entities on the same farm to qualify for these same direct payments, you can have a farm entity with an adjusted gross income of up to $2.5 million still receiving taxpayer subsidies. What does this mean in regards to production agriculture? It means that based on last year's schedule F tax returns that farmers file to report their income, these so-called reforms under the commodity title might affect two-tenths of 1 percent of producers around the country today. Hardly the type of reform that we should be talking about. Hardly the justification that we can take home and tell the taxpayers that we are doing right by them.

I believed from the beginning that we can still have a farm bill that maintains an important safety net for family farmers throughout the country in case the bottom drops out, in case they run into hard times. And we know how cyclical farm economy is. We can find savings under those subsidy programs through the reforms that are justifiable to have a strong conservation title coming out of this, strong nutrition title, research and marketing for specialty crops, and having a strong rural economic development program, not to mention the energy title that was alluded to.

In talking to one of my colleagues earlier this afternoon, he says he is reminded by an old Clint Eastwood film: The Good, the Bad, and the Ugly. There's plenty of good that you can point to in this farm bill. Certainly the increase in nutrition is justifiable in light of rising costs and eligibility and to combat hunger that is rising throughout the country.

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

Mr. KIND. I yield myself 1 additional minute.

The bad is the fact that last year when we passed the farm bill out, they were talking about an increase of $5.7 billion of funding under the conservation title. Today, coming back, it's less than a $4 billion increase.

Why is this important? It's important because the increase of commodity prices, there's great pressure on sensitive lands to bring them back into production, and that means it's going to affect wildlife habitat, highly erodible land with sediment and nutrient flows flowing off and contaminating our water and drinking supply. We are seeing already that CRP enrollment is dropping because farmers are choosing to take that out of CRP and putting it back into production. Instead of recognizing market forces and having the strongest possible conservation title, that was one area where they went for further savings in order to protect these large subsidies.

Finally, the Washington Post reported in an article today, Farm Bill Subsidy Costs May Rise. Billions More Could Be Paid Through Little-Notice Provisions. This is that new revenue-based countercyclical program the gentleman from Virginia just alluded to.

The SPEAKER pro tempore. The time of the gentleman from Wisconsin has again expired.

Mr. KIND. I yield myself an additional 30 seconds.

This is based on a 2-year rolling average of commodity prices rather than 5 years that the administration was proposing. But even 2 years ago, commodity prices were at or near record lows. What this means is that it will take very little for the prices to drop today for this program to get triggered and for tens of billions of dollars to be flowing out in further subsidy programs because of the way this is structured, and that is wrong. And we should be more honest, not only with the Members of this Congress of how it's going to work, but with the American taxpayer.

One farm economist called this new ACRE program, and I quote, ''lucrative beyond expectations.'' That is what has been created. So instead of reform, we are heading in the opposite direction.

I reserve the balance of my time.

Mr. FLAKE. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. HENSARLING).

□ 1645

Mr. HENSARLING. Mr. Speaker, I rise in opposition to this conference report, but I certainly want to thank our ranking member for taking a product and making it better.

Mr. Speaker, 2 days ago the front page of USA Today talks about taxpayers' bill leaps by billions, long-term financial obligations of the Federal Government grew by $2.5 trillion last year, unfunded obligations that will be placed on our children and grandchildren.

Today we have a conference report for a farm bill that is going to cost somewhere in the neighborhood of $700 billion. Now, I have heard it said, well, this bill is paid for. Yes, it is paid for. It is paid for by the auto mechanics in Garland, Texas. It is paid for by the guy that sweeps out the grocery store in Mineola. It is paid for by the guy who works at the counter at the hardware store in Canton, Texas, that I have the privilege of representing.

We have a farm program that in many ways is at odds with the poster child that is represented. Two-thirds of this bill isn't about agriculture. It is about nutritional programs, welfare programs, food stamps. And of the money that is going to agricultural production, two-thirds of agricultural production is not getting anything. And yet some of this money is going, as we know, to millionaires, at a time when middle-income family paychecks are shrinking.

Now, I must admit, Mr. Speaker, this is a debate that is somewhat personal to me. I grew up working on a family farm. I come from three generations of farmers. No one sought a subsidy from their neighbor. No one gave a subsidy. You can make a living in agriculture without asking your neighbor to give you a check.

We do need a farm bill, but what needs to be in a farm bill is tax relief, to prevent taxes from being increased. We need an end to the death tax. We need to increase trade opportunities. We could be exporting good Texas beef right now to Colombia.

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

Mr. FLAKE. I yield an additional minute to the gentleman.

Mr. HENSARLING. We do need a farm bill, but not a farm bill that forces our neighbors to subsidize this program. Ninety-six percent of the world lives outside of America, and already we had the Democrat majority deny a trade agreement that could have opened up great trading opportunities for agriculture in America.

We need a respect for private property rights. We need regulatory relief. When we have an EPA out of control trying to somehow deign animal manure as part of the Superfund hazardous waste site, you know that something is out of control.

So our agricultural producers need help. But this is the wrong way to do it. Again, at a time of shrinking paychecks, at a time when $2.5 trillion of burden have been added to our children and grandchildren, why are we keeping alive a relic of the New Deal, not to mention at a time of the highest food inflation in almost two decades. And why we would take money away from some people to hand to millionaires is beyond me.

We ought to defeat this conference report.

Mr. PETERSON of Minnesota. Mr. Speaker, I yield 1 minute to the distinguished vice chairman of our committee and also the chairman of the Subcommittee on Conservation, Credit, Energy, and Research, Mr. HOLDEN from Pennsylvania.

Mr. HOLDEN. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the farm bill and I rise to congratulate and commend the chairman and ranking member of the committee, and really all the members of the committee and the staff.

I think this is a shining example of how this House should work its will. This bill is bipartisan. This bill has been worked together by both sides of the aisle as we traveled around the country and listened to what producers had to say and people concerned about conservation and every title of this bill as we put this together.

This bill reflects the diversity that we have in agriculture all across this country. No one can say they got 100 percent of everything they wanted in this bill, but every region of the country has benefited from this legislation.

As was spoken about previously in the commodity title, there has been significant reform in the commodity title. Could we have gone further? Maybe we could have, but we would have lost votes in other regions of the country. In the conservation title, there is an additional $4 billion in investment in conservation that will be beneficial all across the country.

In my short time here, Mr. Speaker, the one point I would like to make is that throughout this whole day we have been hearing an awful lot of people talking about the need for the Congress to do more for energy independence. This bill reflects that with the energy title.

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Texas (Mr. NEUGEBAUER), a subcommittee ranking member.

Mr. NEUGEBAUER. I thank the distinguished gentleman from Virginia for not only the time, but for his leadership, as well as the chairman, Mr. PETERSON, on this important farm bill.

I heard some of my colleagues say this is not a good farm bill. But, do you know what? Seventy-five percent of our colleagues here in the House thought this was a good farm bill. Eighty-five percent of the Members in the Senate thought this was a good farm bill. And do you know why they thought it was a good farm bill? It is because they understand how important American agriculture is to our country.

One of the things that we were listening to today, oil prices again set another record price today. Why? Because there is not enough oil to meet the demand for our country. There is a mentality going around here that maybe if we just don't produce things, things will just show up. But if we are going to eat feed and clothe America, we have to produce something. If you are going to get something, you have to produce something.

So what this farm bill does is it allows American agriculture to continue to do what it has been doing for hundreds of years, and that is produce the highest quality, the most affordable food and fiber in the world. It is the reason today demand for a lot of American agricultural products are at an all-time high. With the cheap dollar, you can buy the best for a lot less.

What is important here is that we have a future for American agriculture, because we don't want to be in the same shape we are today. We had to wake up today and figure out who is going to supply energy for America. The American people don't want us to have to wake up tomorrow and say who will feed us, who will clothe us, because we have let American agriculture die in America.

So this bill, the reason I support it and why I encourage my colleagues to override this presidential veto, is because it is a good bill. Yes, it is not a perfect bill, but it is a good bill. A lot of bipartisan work and bicameral work was done to bring this product to the floor, and that is the reason it is important now that we do what American agriculture has been waiting several months for us to do, is finally put in place permanent policy for American agriculture. I encourage my colleagues to support this bill.

Mr. FLAKE. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, if this represents reform, I would hate to see what the Ag Committee calls a boondoggle. We have here not just a continuation of all the programs we had before, some even at higher levels; we have a new program.

As the gentleman from Wisconsin mentioned, there was an article in the Washington Post today detailing the ACRE program. The ACRE program is a new program where subsidies will kick in at far higher levels than they ever have before. In fact, just take corn, for example. If corn hits $3.50 a bushel, where it was just a year or two ago, at historic highs for the time, if we hit that again, that will trigger subsidies totaling about $10 billion a year, in addition to everything we are doing today.

That is not reform. That is far away from reform, and how somebody can stand up today and with a straight face say this is reform, I just don't know.

Mr. HOLDEN. Mr. Speaker, I ask unanimous consent to control the time on behalf of Mr. PETERSON.

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

There was no objection.

Mr. HOLDEN. Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. BOSWELL), the chairman of the Livestock, Dairy, and Poultry Subcommittee.

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

Mr. BOSWELL. Mr. Speaker, I thank the chairman and the stand-in chairman for the moment. Mr. GOODLATTE, thank you again for your hard work, and everybody else who participate in this process. I thank my ranking member helping on the Livestock Committee. Robin, I appreciate your work as well.

We do have a new livestock title. It is the first time ever. It offers producers much-needed protection and ensures fairness and transparency within the marketplace. And as I look at the support we gave when we passed the bill, the 318 here, 81 in the other body, and then the 1,000 organizations that have sent letters supporting us to do this override, why, it seems to me like there is a lot of need to get this done.

So, in short, I think we have got the best we can do under the circumstances. It is bipartisan. I appreciate the efforts, and I recommend the override.

Mr. GOODLATTE. Mr. Speaker, I yield myself 30 seconds to respond to the gentleman from Arizona about the ACRE program. This is a program that was requested by the administration. It was modified by the House and modified by the Senate. Now we hear the administration doesn't like the way it is projected to work, but, quite frankly, it scores by the Congressional Budget Office as saving the taxpayers of our country $400 million.

Why? Because the fact of the matter is it is not expected to have a very high enrollment, and in order to have what the gentleman describe take place, we would have to have a dramatic drop in corn prices. But the administration just signed into law in December a bill that mandates ever-increasing costs of amounts of production for ethanol, and the fact of the matter is we are not going to see those conditions. It is a theoretical possibility, a practical unlikely condition.

Mr. Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Mr. Speaker, for more than 3 years I have worked with Southwest Louisiana farmers to deliver a sound and responsible farm bill, and I am glad to report that our hard work has finally paid off with a bipartisan bill.

This important piece of legislation is a victory for farmers in rural communities throughout Louisiana and around the country, but the President failed to see it this way. And I understand his arguments. This is not a perfect bill, but it does make important reforms with a hard cap on farm and nutrition programs.

The hard work of farmers and ranchers across our region maintains America's food security. Ensuring that we have access to safe quality food is critical, and American farmers lead the way. This farm bill supports American farmers going through tough times, while not burdening them during good times. This farm bill supports the agriculture community and ensures its competitiveness in the years to come.

This has been a long process, but in the end we were able to come together and support a bipartisan, responsible farm bill. I am proud of the work we accomplished on this farm bill, and I am grateful to all of those in Southwest Louisiana who helped me with it.

I urge my colleagues to override the veto and vote for American farmers.

Mr. HOLDEN. Mr. Speaker, at this time I would like to recognize the gentleman from North Carolina (Mr. ETHERIDGE), the chairman of the Subcommittee on General Farm Commodities and Risk Management, for 1 minute.

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

Mr. ETHERIDGE. Mr. Speaker, let me thank Chairman PETERSON and Ranking Member GOODLATTE for their hard work. They worked together in a bipartisan manner. I rise today in support of the veto override of H.R. 2419.

Last week, this legislation was passed on a bipartisan vote in this House and by an overwhelming vote in the other body, and I am saddened that this President, a man who represents himself as a friend of agriculture, would choose to turn his back on our Nation's farmers and rural America by vetoing one of the most important pieces of agricultural legislation that this Congress has passed this year.

Mr. Speaker, it is critical that we have a stable farm policy in this Nation, not just for farmers, but for every child that participates in a nutrition program, for every food bank, for every school lunch program. This legislation affects every citizen in this country.

This is a bill that we can be proud of, Mr. Speaker, and I urge my colleagues to vote to override this veto. It is a vote for America.

Mr. FLAKE. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I want to respond to the gentleman from Virginia responding to my statement about the ACRE program and the potential for taxpayer liability here.

The reason that the CBO scored it as a net savings is because of what is called baseline shopping. It was done with this bill, where we actually reached back and chose to base the bill on a baseline, a prior year baseline, when corn prices, when wheat prices, when soybean prices weren't as high. Had we used this year's baseline or this year's projections, then we would see that next year, for example, when this kicks in, that you could have corn at $4.25 a bushel still receiving subsidies.

Now, keep in mind $4.25 is higher than corn has ever been, until this year.

□ 1700

And so dropping back to just what it was before this year will trigger subsidies that would not have been triggered before. That is not reform. That is not reform at all. That is soaking the taxpayers. That is farming the taxpayers rather than the land.

Mr. GOODLATTE. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Colorado (Mrs. MUSGRAVE).

Mrs. MUSGRAVE. I thank the gentleman. I applaud your hard work on this farm bill and Chairman PETERSON's.

Every day we are reminded of our problems that we are facing because we rely on foreign nations for our energy supply. I believe that Americans ought to think about what happened with the pet food issue and realize that we need a safe and reliable food supply.

As we worked on this farm bill, we had demands from the Speaker of the House, we had demands from the White House. Serving in the minority there was the tension between my party and the other party in the Senate and the House. We had a great deal of difficulties to overcome. But I am proud today to say that I stand in support of this farm bill and urge my colleagues to join me in overriding this veto.

This farm bill increases funding to food banks that are seeing more and more people come in, needy people. It increases that funding by $1.2 billion. The farm bill increases dollars for conservation programs that are so important in this Nation. The farm bill increases investment in alternative energy research. Americans want to lessen our dependence on foreign oil.

When we are concerned at this time in our Nation about childhood obesity and diabetes, this farm bill increases dollars for nutrition programs for school children around the Nation. And, most importantly, it provides a safety net for rural America.

As we look at what Americans spend on their food supply, 10 percent of their disposable income, we are truly blessed in this world to have this safe, abundant food supply, and we want this to continue. Despite what has been said on this House floor today, this farm bill contains real reform, and we are moving in the right direction with that.

So, again, I urge my colleagues to join me as we override this President's veto.

Mr. KIND. Mr. Speaker, I yield 3 minutes to a strong advocate of reform and conservation in this farm bill, the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy as I appreciate his leadership. It is a pleasure to be here with my friend from Arizona (Mr. FLAKE) as we are going back to review some of what we said was going to happen when we were here a week ago. Remember, we talked about what would happen: As the light of day shone on this bill, there would be more things that would come up that would give pause.

Now I have had my differences with President Bush from time to time, but he did the right thing by putting the spotlight on this bill by vetoing it. As has been pointed out by my colleagues, we found out just in the course of the last couple of days something that wasn't clearly explained on the floor, how as the high commodity prices declined to more typical levels, we could end up paying an additional $16 billion of subsidy.

This bill simply is a missed opportunity for real reform. It is not turning your back on America's farmers and ranchers to suggest, as some of us have and the President argues, that you are limited to $200,000 a year of income before subsidies kick in. At a time of record commodity food prices, farm couples earning up to $1.5 million a year with an additional up to $1 million outside income simply don't need to receive government subsidy. Meanwhile, the majority of farmers who don't grow the commodity crops are going to continue to get little or no money.

It hurts a State like mine, the State of Oregon, where we are proud of what our ranchers and farmers do. But the majority of them get nothing under the existing farm bill and they will continue to get nothing under this proposal.

It troubles me that we are creating a new permanent disaster program, an additional layer of subsidy, which doesn't make sense. If a region is representing repeat disaster year after year after year, it is not really a disaster. It is growing the wrong things using the wrong techniques in the wrong places. We shouldn't turn it into an entitlement.

This bill is a missed opportunity for conservation. The National Wildlife Federation has called the farm bill a disaster for wildlife that ''fans the flames of global warming.'' The funding for conservation is not nearly enough to meet the needs. They are not met today. The majority will not be met under this bill. And, sadly, it makes cuts to important programs like the conservation reserve program, the wetland reserve program. I am disappointed that it also guts the sod saver program that protects important prairie and grassland habitat.

I mentioned last time that I was on the floor that this bill nullifies a Federal appeals court decision under the Freedom of Information Act that ordered USDA to make public data that is critical to monitoring the economic and environmental impacts of these subsidies.

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

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

Mr. BLUMENAUER. Nobody talked about this on the floor, drawing the veil over this information. It was inserted without public hearings, without debate, and will have serious oversight ramifications on how we manage these programs. Nineteen congressional districts in the country will get about half the money. They make out grandly. But States with strong agricultural communities will continue to be shortchanged.

Congress could have done a better job for the environment, could have concentrated the help on the majority of farmers who are shortchanged to help them and their communities. Small- and medium-sized farmers will continue to be squeezed away. If we pass this bill, do not sustain the veto, we will continue to have large operations squeezing out small and medium-sized operations. If we can't muster reform with these record high prices, we probably never will. The President was right to veto it. I strongly urge my colleagues on both sides of the aisle to support him and go back and do it right.

Mr. PETERSON of Minnesota. Mr. Speaker, I am pleased to yield 1 minute to the distinguished chairman of the Department Operations, Oversight, Nutrition, and Forestry Subcommittee, who did such an outstanding job in putting the much needed nutrition title together, Mr. BACA from California.

Mr. BACA. Mr. Speaker, I rise to voice my strong opinion in support of this farm bill, and urge my colleagues to override the President's veto.

Simply put, this farm bill strengthens our nutrition, conservation, energy independence, and specialty crops like no other farm bill has ever done before, and it is done in a bipartisan fashion.

People asked us to come here in Washington, D.C. and vote on a bipartisan, not to vote on a partisan. We have come together on a bipartisan.

This currently will feed 38 million Americans who do not have enough to eat. We are in an economic recession. People have lost their jobs. People have lost their homes because of foreclosures. Gas prices are going up. This farm bill will put food on the table for over 13 million American families. We have raised the food stamp benefit index to keep up with the lost of living. These changes will help an additional 10 million Americans, including poor working families, the elderly, the disabled, and the veterans.

We expanded the USDA snack programs under the fresh fruits and vegetables. We will leave no child behind. This will feed them.

I urge my colleagues to support this bill and override the President. This is a good bill. It is a bipartisan bill.

Mr. FLAKE. Mr. Speaker, I yield 1 minute to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. I thank the gentleman.

Earlier someone indicated that we had thousands of supporters, thousands

of groups supporting this bill. Who couldn't get thousands of groups to support a bill by paying them $300 billion in subsidies?

We are poised here to pass a record-breaking, multibillion-dollar, Soviet-style central planning farm bill that takes tax dollars away from the general public and doles them out to a few people in the agricultural industry, some of them millionaires, at a time when crop prices are breaking records.

What benefit do the American taxpayers get from this bill? They get higher taxes for the privilege of paying artificially higher food prices. What a deal.

Mr. Speaker, when oil prices hit record highs, the Democrat leadership and some Republicans called for the imposition of a windfall profits tax on greedy evil oil producers. But when crop prices skyrocket, the same leadership comes to the floor of this House to hand out billions of dollars in subsidies to big agricultural businesses and wealthy hobby farmers.

America, what a country. Washington, what a disaster.

Mr. PETERSON of Minnesota. Mr. Speaker, I am pleased now to yield 2 minutes to the gentleman from California, the chairman of the Horticulture and Organic Agriculture Subcommittee who brought us the first specialty crop title to the farm bill, Mr. CARDOZA of California.

Mr. CARDOZA. Mr. Speaker, I thank the chairman, I thank him for his leadership and for allowing us to write this bill the way we did, including specialty crops. And I rise in strong support of overriding the misguided Presidential veto on the Farm, Conservation and Energy Act.

It is extremely unfortunate that we must go through this exercise on legislation that is so critically important to both rural and urban America alike. The bipartisan conference report on the 2008 farm bill represents the blood, sweat, and tears of many members on this floor and of the other body of the agriculture committees and including myself. We have made significant reforms, preserved the safety net for American farmers, and dramatically increased domestic nutrition assistance. And for the first time in history we have given specialty crops a seat at the table. We did all of this, and we complied with the PAYGO rules of this House.

It is not a perfect bill. There are some who would have preferred more conservation spending or more reforms. However, the 2008 farm bill is the product of hard work and compromise, and should not be discounted simply because we could not meet the unrealistic, impractical, and unworkable benchmarks set by the administration.

I take particularly strong exception to the President's repeated insistence in the farm bill that it must be vetoed in the name of international trade agreements. Meeting our global trade obligations should never trump critical domestic priorities. Our farmers have the capacity for immeasurable innovation and success, and they deserve our commitment and our support, and it is done in this farm bill.

The President has let down American agriculture today, and that is just a shame. But I am confident that, together with the Senate, we can override this veto today and make good on our promise to protect American farmers and ranchers. I strongly urge my colleagues to override this veto.

The SPEAKER pro tempore. The gentleman from Minnesota has 8½ minutes; the gentleman from Virginia has 11½ minutes; the gentleman from Wisconsin has 1½ minutes; the gentleman from Arizona has 4 minutes.

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

Mr. GOODLATTE. Mr. Speaker, at this time it is my pleasure to yield 1 minute to the gentleman from New York (Mr. KUHL).

Mr. KUHL of New York. Mr. Speaker, I rise in support of overriding the President's veto of the farm bill.

When I was elected to Congress, I joined the Agriculture Committee because of my district's rich and deep tradition in farming. And as a member of this committee, I am committed to serving not only the needs of my district, but also to preserving our Nation's agricultural vitality. As such, I am extremely disappointed by the President's veto.

I am very pleased, however, by what our committee has been able to do in writing this farm bill. This farm bill fairly and accurately represents the interests of all our farmers and various agricultural industries across the country and was fashioned in a bipartisan manner. Particularly the dairy and specialty crops and conservation programs will be extremely beneficial to New York farmers. But, more importantly, this legislation contains reform.

For the first time in history there will be a hard cap on the adjusted gross income standard to prevent the wealthiest from receiving payments. As such, this farm bill has broad support from a variety of agricultural, nutrition, conservation, and consumer entities. This farm bill is an opportunity to make American farm policy truly comprehensive, competitive and cohesive, and I urge my colleagues in Congress to override this veto.

Mr. PETERSON of Minnesota. Mr. Speaker, I am now pleased to recognize an outstanding member of our conference committee, also a member of the Ag Committee, the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Chairman, ladies and gentleman, Mr. Speaker, this bill requires our urgent action to override the President's veto. The American people are concerned about many, many things, but they are most concerned about the high cost of food and the high cost of gasoline. And as soon as this bill is made into law, we will deal with these two issues right away.

The first thing that this bill does to address the high cost of food and the high cost of gasoline is that we immediately look at the corn-based ethanol, and we reduce the tax credits on corn-based ethanol and we increase the tax credits on ethanol made from cellulosic materials, which are switch grass and pine straw.

The other reason why we need to make sure we override this veto is simply because, Mr. Speaker, this bill will reach out and bring in individual segments of our population that were left out. The African American farmers are entitled to their due, and this bill will require that African American farmers who in the past have been discriminated against will have this, and it provides millions of dollars for traditionally African American schools. That is why it is important that we override the veto of this bill.

Mr. GOODLATTE. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Texas (Mr. CONAWAY).

□ 1715

Mr. CONAWAY. Mr. Speaker, I rise today to encourage my colleagues to join me in voting to override the President's veto of the farm bill. It's a widely held axiom that good agriculture policy is good Federal policy. This farm bill is a fulfillment of that statement.

This legislation will continue a safety net for America's producers and consumers, while providing a proper return on investment to the American taxpayer. The food and fiber commodity market is an extremely unpredictable place in which our producers have no ability to set their prices for their products.

Furthermore, farmers and ranchers in all areas of the world are forced to deal with uncontrollable production risks that could at any time wipe out an entire year's income at a moment's notice. These are fundamentals that will never change, and I firmly believe that we'll always have a need for policies and mechanisms to address these issues.

This long overdue and extremely important piece of legislation, once law, will return a sense of certainty to farmers and ranchers of rural America.

The farm bill has an important impact on every single American, and I strongly support this bipartisan act, and urge my colleagues to override the President's veto.

Mr. FLAKE. I yield 90 seconds to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, I hate to have to come to the floor today to talk about how bad this bill is, but it's impossible not to do that.

This bill gives millions of dollars, billions of dollars in farm subsidies to millionaires. This bill takes all budget discipline in this Chamber and throws it out the window. It sweeps PAYGO under the rug.

Ninety-seven percent of the world's consumers don't live in this country. They're overseas. And the way we help farmers is to open up markets to their products overseas. This bill shuts that down. This bill makes it next to impossible for us to be able to open up markets for our farmers.

A farm bill ought to help the family farmer in tough times. This doesn't do that. This is corporate welfare. This is subsidies for multi-millionaires. In fact, you can still live on Wall Street, make half a million dollars and get farm subsidies under this bill.

This bill is not going to help agriculture. This bill is going to help corporate agriculture, not family farmers.

I believe that we should sustain the President's veto. And this is not always good to say it's bipartisan. And I hope, on a bipartisan basis, we support this veto and pass a farm bill that actually helps the family farmer and takes away these exorbitant subsidies to multi-millionaire corporate farming operations.

We ought to protect conservation. We ought to help the Third World raise themselves out of poverty, and we ought to open up markets for our farmers so they have more people to sell their products to. That's what a farm bill ought to look like. That's not what this farm bill does.

I urge a sustain of the veto.

Mr. PETERSON of Minnesota. Mr. Speaker, I would like to yield 1 minute to the distinguished gentleman from North Dakota (Mr. POMEROY) who is a member of both the Ways and Means Committee and Agriculture Committee, and did an outstanding job in helping us put this bill together.

Mr. POMEROY. I thank the chairman. The rhetoric is a little overblown against this bill, as it was the first time it was before us, as it was when we passed it on final passage.

The fact is, this bill spends billions less than the last farm bill. This bill increases the baseline on conservation, and this bill is the result of some of the best bipartisan activity I've seen in this place to develop and produce a fine product. It responds to the needs of consumers having a hard time buying their groceries with increased nutrition support. It responds to the struggles of family farmers meeting the incredibly high cost of getting their crop in with better risk protection, and it does so in a collaborative measure.

As my friend, BOB GOODLATTE, said last week, this isn't Republicans voting for a Democrat farm bill, this is the parties coming together to build a strong collaborative product.

I urge us to override the President's veto of this very important bill for rural America.

Mr. GOODLATTE. Mr. Speaker, at this time it is my pleasure to yield 1½ minutes to the gentleman from Oklahoma, a ranking member on the Agriculture Subcommittee, Mr. LUCAS.

Mr. LUCAS. Mr. Speaker, I rise today to urge my colleagues to vote to override the President's veto. As I told you a few days ago, not everything in this bill do I love. But the fact of the matter is, I love rural America. And production agriculture and those small towns and all those good people who live out there who work the land and raise the stock, provide the food and fiber that feeds and clothes us all. And they know that we need a comprehensive farm bill. They know how important it is that we provide the resources to meet the needs of this country.

Now, 75 percent of this bill goes to the food stamp program, the feeding programs. They understand that in rural America. They want to make sure all of our fellow citizens have enough to eat.

But they also know that they fight the weather, they're paying more for diesel and fertilizer and inputs than they ever have or they may ever again. But they want to raise those crops, and they want a comprehensive farm bill that provides a reasonable amount of safety net to allow them to work with their bankers and financiers.

Vote to override the veto for the future of rural America.

Mr. PETERSON of Minnesota. Mr. Speaker, I am now pleased to yield 1 minute to one of our new outstanding freshmen on the Agriculture Committee, the gentleman from Florida (Mr. MAHONEY) who represents a very big agriculture district and has done outstanding work for us.

Mr. MAHONEY of Florida. Thank you, Mr. Chairman, for your leadership.

Mr. Speaker, I've read the President's reasons for vetoing this farm bill, and it's clear that even though he owns a ranch, he's not a rancher. It's clear he doesn't understand that to have national security, America needs food security. It's clear that while the White House whines about crop subsidies, that his administration's failed economic policies have resulted in $4 per gallon diesel and skyrocketing fertilizer costs that are driving farmers in Florida out of business.

Although not perfect, this farm bill, for the first time, gives Florida agriculture some of the monies we need to help market and protect our crops. It ensures that our Nation's hungry children and seniors get Florida's fresh fruit and vegetables. It invests in conservation that will speed up our efforts to save the Everglades.

Finally, this farm bill, in combination with the energy bill, provides rural Florida a new beginning by breaking the corn ethanol monopoly, and ensuring that Florida, the biggest biomass producing State in the Nation, takes its rightful place as a leader in renewable energy production.

I call on my colleagues, on a bipartisan basis, to vote to override the President's veto.

Mr. GOODLATTE. Mr. Speaker, at this time I am pleased to yield 2 minutes to the gentleman from Nebraska (Mr. FORTENBERRY), a member of the Agriculture Committee.

Mr. FORTENBERRY. Mr. Speaker, it is important to note that the average U.S. farmer provides enough food and fiber for 143 persons, both here in the United States and internationally. This new farm bill continues agricultural policies which have allowed America's farmers to help feed the world.

I believe that the farm bill promotes agricultural stability and diversification, agriculture-based renewable energy production, and good conservation and land stewardship practices. As with any complicated piece of legislation, there are trade-offs and concerns. For instance, payment limitation reform progressed, but did not go far enough in my view. Even though I'm going to vote to override the President's veto, I do commend the administration for its considerable efforts to highlight the need for reform, particularly in the area of payment limitations.

I'm also pleased that the farm bill conference report includes three of my initiatives. First, a new rural energy self-sufficiency initiative that would provide grants to rural communities seeking to become energy self-sufficient through the use of renewable sources such as wind and solar and biofuels and biomass.

Additionally, there is a new provision allowing school systems and other governmental institutions to purchase local foods from local farmers, promoting agricultural sustainability and diversification.

And there is a change to the value-added producer grants program that would help target assistance to farmers with small or mid-sized farms who develop new uses and creative marketing strategies for their product.

Mr. Speaker, the development of this important legislation has taken several years. This ground has been plowed long enough. I believe this bill deserves merit. I wish to thank our ranking member, Chairman GOODLATTE, for his support of this bill and Chairman PETERSON as well for his considerable efforts.

Mr. FLAKE. I just want to address some of the comments that have been made. It's been said several times that this bill is good because it's a bipartisan bill. If this is the standard by which we judge legislation, then we're doing pretty poorly in this House.

If anybody remembers, just a couple of years ago, the infamous bill that brought us the Bridge to Nowhere. Do you want to know how bipartisan that bill was? I believe it was 412 votes for, 8 votes against. If that isn't bipartisan, what is?

Yet who would want that vote back if they could? 6,300 earmarks, with a lot of bad ones, including the infamous Bridge to Nowhere. And yet we laud legislation simply because it's bipartisan.

I would love to see a lot more partisanship in this House when it comes to fiscal discipline. I wish that my

party, the Republican Party, would stand up and say, anybody who believes in limited government cannot support a bill like this, a $300 billion bill that is bipartisan because so many groups are now involved.

You do a specialty crop title; you add another subsidy program called ACRE, you get biomass in it, you get cellulosic ethanol, you add another nutrition program, and pretty soon you have so many people in it that they don't dare vote against it, and it just gets bigger and bigger and bigger, and pretty soon you have a $300 billion bill that you can only pay for by shopping for a baseline other than this year's baseline, and waive PAYGO requirements. That's why this is a bipartisan bill.

I would hope, in a week where a major news organization published, and I hope it set off some alarm bells here, that not only do we have about 9 or $10 trillion in debt, but when you add in the unfunded liabilities, it adds up to about a half a million dollars per person in this country, the amount of debt and unfunded obligation that we're on the hook for.

If we cannot, in this legislation, tell a farm entity, a farm couple that earns as much as $2.5 million that they can no longer collect farm subsidies, how in the world are you going to tell a grandmother, you're going to have to postpone your retirement for a couple of years because we can't afford your Social Security payment?

How in the world are you going to tell somebody, you know, you're going to have to have a higher copay on Medicare for prescription drugs because we have a big farm bill like this?

We need to be more responsible, and I would urge us to sustain the President's veto.

I yield back the balance of my time.

Mr. GOODLATTE. Mr. Speaker, may I ask how much time remains.

The SPEAKER pro tempore. The gentleman from Virginia has 6½ minutes. The gentleman from Minnesota has 5½ minutes. The gentleman from Wisconsin has 1½ minutes.

Mr. GOODLATTE. Mr. Speaker, at this time it is my pleasure to yield 2 minutes to the distinguished Member from Missouri, a real advocate for agriculture, Mr. HULSHOF.

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

Mr. HULSHOF. Mr. Speaker, the President has, for the second time, vetoed a bill that would help Midwestern farmers. Once again, I rise to vote for Missouri's family farmers and to override President's veto.

I think it's interesting that for over a year, opponents have said prices are high, farmers don't need a safety net, as if we can predict with certainty the market price of commodities 5 years down the road.

Today those opponents claim prices may drop, causing the safety net to be too expensive. Well, with all respect, which is it?

Sixteen percent of this bill provides a responsible safety net for farmers when the market turns south. And let's make no mistake. Farmers don't want to farm for a government check. Farmers want to farm for the market.

And what is the cost to the American taxpayer? Six cents a day. In my mind, six cents a day is not too much to pay to ensure that we continue to have the safest, most abundant food supply at the lowest cost.

Now, we have seen what happens when we offshore or energy production. What will happen when we offshore our food production? Thank the Lord above, literally, thank the Lord above that we can put three square meals a day on our tables from the bounty of our country's own farmers.

This bill is not perfect. It doesn't contain all the reforms that the other side would want. But under their plan, which failed 117–309, most of the farms and ranches would not be able to survive the erosion in farm income. That's according to the Agriculture and Food Policy Center at Texas A&M.

Some people just can't take yes for an answer. 1,054 organizations, from MoveOn.Org to the USA Rice Federation, support this bill.

I know it's tough to do, but I urge my colleagues to vote to override the President's veto and provide this safety net. And I appreciate the gentleman for the time.

□ 1730

Mr. PETERSON of Minnesota. Mr. Speaker, I am pleased to yield 1 minute to a good friend of the Agricultual Committee, Ms. JACKSON-LEE of Texas.

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me thank the distinguished chairman. Let me rise to indicate the broad opposition to the veto of the President on this agricultural bill, and I'm going to try to rush through some very vital issues that are of concern to many of us.

I just came back from Haiti and recognized the crisis that our very good friend and neighbor, the poorest country in the western hemisphere. The good news is that President Preval, who asked us to create an opportunity for jobs in a country that is hungry and lacks jobs, the Haiti trade provisions were in the bill, but unfortunately vetoed which causes us an urgent necessity to override this veto. The Caribbean Basin Initiative extension is a vital part.

But yet I look forward to us fixing the parts that included the trade title that left out the food aid, very important; McGovern-Dole, which is food for education; giving girls the incentives to come to school. And then the market access problems that are crucial.

We know there are 850 million hungry people in the world; 300 million of them are children; 40 percent of those in Haiti eat one meal a day. We are in a crisis.

This is a crucial legislative initiative.

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

Mr. PETERSON of Minnesota. Mr. Speaker, I would yield the gentlewoman 1 additional minute.

Ms. JACKSON-LEE of Texas. So what we are talking about here, I think there is something important to bipartisanship. Mr. Chairman and Ranking Member, thank you for this. I've lived around the edges of the agriculture bill ever since I came here from Texas. We know about specialty crops. We know about ranches and farms. I think you did a great job for these fruits and vegetable farmers because you give them an incentive to get to market.

And thank you for what you've done for the black farmers, especially on Pigford, where you allowed those late filers—I've always heard from them throughout the work on the Judiciary Committee to get back in the court by being able to file again. We are delighted that you also give them a greater access; you allow them to have transparency and accountability in the USDA, and I'm glad that what we do is try to preserve the black farmers.

This is an important bill. Let's fix the trade part of it, but let's join together and override a bill that promotes energy and food and understands you can't have a food fight when people are starving.

I urge our colleagues to vote to override the veto.

Mr. GOODLATTE. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, a lot has been said here today about the bipartisan nature of this legislation, but when it passed the House last week, a majority on both sides of the aisle voted for this farm bill, and three-quarters of all of the Members here did so. But we did so because there are provisions in this bill that are of interest to each side of the aisle, and sometimes there are very clear partisan differences.

But nonetheless, the Republican side of the aisle received a number of concessions in the final negotiations of this bill: a provision that would have prohibited all 50 State food stamp programs to be able to reach out to technology companies and others to modernize and improve their food stamp program, something they have done many times in the recent past. A prohibition on that was removed from the bill. A provision in the bill that would have rolled back the Welfare Reform Act of 1996 and provided increased food stamps for able-bodied adults without dependent children was removed from the bill. Provisions related to the Davis-Bacon legislation that many Members on my side of the aisle, including myself, were concerned about were removed from the bill.

So this is a bipartisan bill because it was compromise and give-and-take on both sides of the aisle.

I have also heard Members complain that this bill is not fiscally responsible. It's less than the last farm bill. It is less than either the House-passed

version of the bill or the Senate-passed version of the bill: $4 billion less than the House, $5 billion less than the Senate version. I ask any Member here in the House, when was the last time they recall that a bill came back from a conference between the House and the Senate and spent less money than either the House or Senate spent?

And I would give you this overall picture. Americans spend about $1.2 trillion a year on food. The provisions in this bill related to the commodity title, the safety net for America's farmers and ranchers, is about $7 billion or slightly less than one-half of 1 percent of what Americans spend on food.

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

Mr. GOODLATTE. I yield myself an additional 30 seconds.

Now for that one-half cent on every dollar, Americans get the stability and safety of their food supply and the assurance that they will not see in the United States what they're seeing in other countries around the world which do not have a good farm program for their farmers that assure their consumers that they will get an adequate, safe, and affordable supply of food. They do not see food riots in the United States.

They see, instead, those in the greatest need receiving appropriate food programs and the average American being able to spend less than 9 percent of their income on food. That is lower than any other country in the world today or any other country in the history of the world.

This farm bill helps to promote those good policies. I urge my colleagues to support the override.

Mr. KIND. Mr. Speaker, I yield myself the remainder of my time.

Mr. Speaker, under of the commodity title of the current bill, we still have loan deficiency programs in place, countercyclical programs, another $25 billion of direct payments that will go out over the next 5 years regardless of price or production. A new revenue-based countercyclical program has been added to it. And then the granddaddy of all earmarks, a disaster relief fund has been created, all of which have been reformed upwards rather than down, rather than restricting it.

I think the gentleman I talked to earlier is right. This can be described as the good, the bad, and the ugly farm bill. Unfortunately, the ugly outweighs the good here today. But, of course, whenever you go $10.5 billion above current baseline and put enough money around and enough groups with enough individuals, you're going to get a strong vote. We understand that.

But someone needs to stand up here today on behalf of the American taxpayer. Someone needs to stand here in the Chamber and say the emperor has no clothes. This farm bill will continue to distort the marketplace. It will continue to paint a bull's-eye on the back of our farmers through trade-distorting policies. And I would encourage my colleagues, if they took another look, a closer look at what's being proposed here today, they would understand that we can and should do a better job.

I would encourage my colleagues to sustain the President's veto and do the farm bill the right way, not the wrong way.

Mr. PETERSON of Minnesota. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman is recognized for 3½ minutes.

Mr. PETERSON of Minnesota. Mr. Speaker, a lot of people make a lot of claims about this bill. Editorial writers, most of them get the information wrong. But as has been mentioned here before, 15 percent of the bill goes to farmers; 9 percent of that goes to traditional commodity type programs; the balance of it to crop insurance and the new disaster program; 73½ percent of this bill goes to nutrition programs, while 7 percent goes to conservation.

So you can talk all you want about the bull's-eye on the back of the farmers, but people need to understand that the European Union now is having discussion to get rid of their direct payments and increase their commodity price supports similar to what we have here in the United States. And there are people in this country that would like to do this as well. This ideology that's been pushed by the World Bank, the IMF, all of these other world organizations, is part of the reason we're in trouble in this country and in the world.

We have, not just us but countries all over the world, have sold food below the cost of our production. Some of our opponents want us to keep doing this. I understand if you're a livestock farmer you want to keep buying cheap corn. But we've addicted these folks in these developing countries to cheap food prices. Now that we're getting prices that are more realistic, all of a sudden it's a problem because they didn't develop their own agriculture. They got hooked on exports from the United States and from other countries.

What we're doing in this bill is recognizing all of the different aspects of this country, not just farm country, not just farmers, but people in the city, people in the suburbs, people that like to hunt and fish, people that are concerned about the environment, people that are concerned about getting nutritious food into our schools and having more fresh fruit and vegetables available for people around the country, and people that want to get independent from foreign oil. All of these things are covered in this bill.

Are they done to the magnitude that I would like in some areas? No. I would say everybody here would probably agree that they would like to have something a little bit stronger in one area or the other or maybe a little weaker in one area or the other.

But this is a compromise, a bipartisan compromise that I am proud of the way that we've been able to put together. Mr. GOODLATTE and I sat in that room for many days with our colleagues on the other side of the aisle. We operated on an equal basis, as Mr. GOODLATTE pointed out. There was give and take. This was a true bipartisan effort. We came up with a true bipartisan bill that we should be proud of that is good for America, that spends less than the last farm bill, that, as Mr. GOODLATTE says, spends less than both bills that passed the House and the Senate. I can't remember a time around here when we've done something like that.

So I encourage my colleagues to take a good look at this bill to understand that this is something that's good for the country. I urge my colleagues to override the veto of the President.

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

I urge my colleagues to vote to override this veto, but I would like to close my remarks by commending the President of the United States and his administration for their involvement in this process. They have improved this farm bill considerably from the versions that were passed in the House and the Senate. In fact, I'm going to yield a portion of my time to the leader.

But I want to say that this includes more than 90 provisions that the President of the United States, the leaders in the Department of Agriculture and others, suggested to us to reform. And there are numerous reforms in this legislation that are very, very substantial, very, very significant. They would not have occurred without the President's active involvement and support for efforts to improve this farm bill.

This farm bill is dramatically reformed from previous farm bills, and as a result of his involvement, of involvement on both sides of the aisle, this farm bill is dramatically improved. As a result, the Republican Members on this side of the aisle went from 17 Members supporting the bill when it came out of the Agriculture Committee to 100 Members supporting it when we voted for it last week.

There is much to commend in this bill. The President has asked for additional reforms. I supported him in the efforts to obtain some of those reforms, but we could not achieve every single objective that he sought because this is a bipartisan bill that includes the considerations of a wide array of viewpoints.

But I will say that this side of the aisle was well represented in this process and thanks in part to the efforts of the administration.

Notwithstanding that, the bill is a good bill, and we would urge our colleagues to support it.

At this time, I yield the balance of my time to the Republican leader, the gentleman from Ohio.

Mr. BOEHNER. I appreciate my colleague for yielding, and I'm not going to talk about the farm bill.

I'm a little concerned and have serious doubts about the process that we're

using to bring this bill considering that the bill that the President vetoed is not the bill that the Members are being asked to override.

Remember, there were 12 titles in the farm bill that we sent to the President. The bill that we have, that we're overriding, contains 11 titles. Title III of the bill is missing.

Now, the reason I rise is because I have got doubts about the process that we're engaged in, and I have doubts about the constitutionality of what it is that we're doing. And people were in such a hurry to bring this bill up here to the floor that no one would take the time to consider what is it that we're doing; is it constitutional, and should we proceed under the conditions we find ourselves.

We don't know why title III of the bill that we sent to the President is missing in the document that we're considering right now.

So it is not just me as a Member. I think there are other Members on both sides of the aisle that are wondering should we proceed with this and is what we're doing constitutional, is it breaking precedent with what we've done in the past. I would just ask my colleagues, and especially ask the majority, why we couldn't take some time to understand what happened in this process, why title III isn't included in the bill that we're moving to override.

And so until there are answers to this, I would suggest to the majority that we ought to consider suspending activity on this until such time as we know we have answers to the questions that Members on both sides are going to have.

□ 1745

I would be happy to yield to my friend.

Mr. PETERSON of Minnesota. I thank the gentleman.

As I understand it, it was just a glitch in the printing of the document that went to the White House. They vetoed the bill missing title III and didn't recognize it.

As I understand, the Constitution says that when we have a veto, we are bound to deal with it. So we don't see any other way to deal with this thing at this point other than to deal with the President's veto, have the override and then deal with title III later.

Mr. BOEHNER. Reclaiming my time, I don't know whether the President signed the bill that included title III or not. I don't know where title III fell from the bill. That's the point I'm making.

Until there are answers as to what did happen, how we proceed is critically important to the constitutionality of the process that we're engaged in here.

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

There was no objection.

The SPEAKER pro tempore. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, the vote must be by the yeas and nays.

Pursuant to clause 8 of rule XX, this 15-minute vote on passing H.R. 2419, the objections of the President to the contrary notwithstanding, will be followed by 5-minute votes on motions to suspend the rules on H.R. 3819, H.R. 5826, and H.R. 5856.

The vote was taken by electronic device, and there were—yeas 316, nays 108, not voting 11, as follows:

[Roll No. 346]

YEAS—316

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Camp (MI)
Capito
Capps
Cardoza
Carnahan
Carney
Carson
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Gallegly
Gerlach
Giffords
Gilchrest
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
King (IA)
Kingston
Klein (FL)
Kline (MN)
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Platts
Poe
Pomeroy
Porter
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Snyder
Solis
Souder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Weller
Whitfield (KY)
Wilson (OH)
Wittman (VA)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NAYS—108

Akin
Bachmann
Barrett (SC)
Barton (TX)
Bean
Biggert
Bilbray
Blumenauer
Boehner
Broun (GA)
Burgess
Burton (IN)
Calvert
Campbell (CA)
Cannon
Cantor
Capuano
Castle
Chabot
Cooper
Culberson
Davis, Tom
Deal (GA)
Dent
Dreier
Duncan
Ehlers
Feeney
Ferguson
Flake
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Goode
Granger
Harman
Heller
Hensarling
Hobson
Hunter
Inglis (SC)
Inslee
Issa
Johnson, Sam
Jordan
Keller
Kind
King (NY)
Kirk
Knollenberg
Lamborn
Lewis (CA)
Linder
LoBiondo
Lungren, Daniel E.
Mack
Marchant
Matheson
McCarthy (CA)
McCrery
McDermott
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Mitchell
Moore (WI)
Moran (KS)
Myrick
Nunes
Paul
Pence
Petri
Pitts
Price (GA)
Pryce (OH)
Ramstad
Reichert
Rohrabacher
Roskam
Royce
Ryan (WI)
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Smith (NJ)
Smith (TX)
Smith (WA)
Stark
Stearns
Sullivan
Tancredo
Terry
Tiberi
Wamp
Waxman
Weldon (FL)
Westmoreland
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—11

Bishop (UT)
Brown, Corrine
Carter
Castor
Crenshaw
Fossella
Gillibrand
Kennedy
Rush
Tiahrt
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are 2 minutes remaining on this vote.

□ 1809

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

Ms. WOOLSEY and Mrs. CUBIN changed their vote from ''nay'' to ''yea.''

So (two-thirds being in the affirmative) the bill was passed, the objections of the President to the contrary notwithstanding.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The Clerk will notify the Senate of the action of the House.

VETERANS EMERGENCY CARE FAIRNESS ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3819, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 3819, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 0, not voting 22, as follows:

[Roll No. 347]

YEAS—412

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—22

Berman
Brown, Corrine
Carter
Castor
Crenshaw
DeLauro
Diaz-Balart, M.
English (PA)
Fortenberry
Fossella
Gillibrand
Herger
Kennedy
McHugh
Nadler
Reynolds
Ros-Lehtinen
Rush
Terry
Tiahrt
Wexler
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1816

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. McHUGH. Mr. Speaker, on rollcall No. 347, unfortunately, during the vote I was unavoidably detained off the House floor. Had I been present, I would have voted "yea."

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 5826, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 5826.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 17, as follows:

[Roll No. 348]

YEAS—417

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)

Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—17

Brown, Corrine
Carter
Castor
Cramer
Crenshaw
Delahunt
Fossella
Frank (MA)
Gillibrand
Kagen
Kennedy
McDermott
Rush
Speier
Tiahrt
Wexler
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1823

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

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

Mr. BOEHNER. Mr. Speaker, we just finished a vote several minutes ago on the override of the farm bill, except that the override vote occurred on a bill that had never been considered by the House or the Senate, since the bill that we voted to override apparently is missing one title of the bill—or the conference report—that passed the House and the Senate. I am concerned about the procedures, the process, and the constitutionality of what we've just done.

I would like to ask the majority leader if he can help myself and the other Members understand just what are we dealing with here.

Mr. HOYER. Mr. Speaker, will my friend yield?

Mr. BOEHNER. I would be happy to yield.

Mr. HOYER. Mr. Speaker, clearly, what we are dealing with is an unfortunate situation. The unfortunate situation is that apparently—and again I just learned about this about an hour and a half ago when Mr. PETERSON, the chairman of the committee, told me he and Mr. GOODLATTE were discussing this problem and how to proceed. Apparently what happened is title III, which I understand is not very controversial, but in any event, title III came up on the screen for the printing on the parchment that is sent to the President, but, unfortunately, for whatever reasons, it was not printed out and it was not caught in the proofing of that. Apparently, as well, the White House did not catch the fact that the bill was not inclusive of title III.

Frankly, I have not looked at the bill to see whether there's a title I, II, and then goes to IV, which would have been self-evident that there was a missing title.

In any event, without having researched it or talked to anybody about precedents, what has happened is that the House and the Senate passed in exactly the same form that which was vetoed by the President. Now, we passed more than that, but that which we have just voted on was passed in both Houses in exactly the form we just voted on.

The vote, therefore, superficially, off the top of my head, without having researched this, is that what we have done is we have passed that which we originally passed through the House and the Senate and sent to the President, notwithstanding the President's veto, and something that we did also pass, which was incorporated in that bill, was neither vetoed nor signed by the President because, unfortunately, as a result of a clerical error, it was not included in the bill.

I, in discussions with Mr. PETERSON, understand that he and Mr. GOODLATTE were in discussion on this issue when they first learned of it, and I don't know how long they knew about it before I found out about it; that, as I thought, their agreement would be that we would pass, subsequent to passing the initial bill, the title III either by unanimous consent or under the suspension calendar.

I don't know the conversations that occurred between Mr. PETERSON and Mr. GOODLATTE. Mr. PETERSON is on the floor, I know. I don't know exactly where he is. But it was his understanding that that would be an acceptable way to proceed. That was where I thought it to be.

Mr. BOEHNER. Reclaiming my time, we may have transported to the President a portion of the bill that passed the House and Senate, but we did not send to the President, apparently, the farm bill conference report as passed by the House and the Senate.

I think what's of grave concern to me is, yes, I understand that mistakes do happen in this process, but before the consideration of the override debate and vote, we were aware of the problem. And I just think that in deference to all Members, we could have waited before consideration of the override so that all the Members would understand just what we're dealing with and the problems that are contained therein. I just think that in the rush to move this override vote, we don't know what precedents of the House we may have stepped on and what constitutional problems that we may have. I would remind my colleague that there was a very small mistake made in the Deficit Reduction Act several years ago that's been the subject of a lawsuit and privileged resolutions and moral outrage from some of my friends on the other side of the aisle, which, frankly, the Deficit Reduction Act error pales in comparison to what we have here.

So I would ask my colleague, I think we need to get to the bottom of what happened.

□ 1830

I don't know that the override that we just cast—we voted to override a bill that had never been considered by the House or the Senate, and I don't know how that is constitutional.

I would be happy to yield to my friend.

Mr. HOYER. Well, as I said, everything that we voted on was passed by the House and the Senate in exactly the same form. Obviously, I agree with your premise that the bill as passed out of Congress was not the exact same bill because of the deletion of title III,

apparently by error. Title III, as I understand, is not particularly controversial. I understand that from the discussion between Mr. GOODLATTE and Mr. PETERSON.

So a mistake was made. A deletion was made. The President and the White House did not catch it. We didn't catch it. The President vetoed a bill. The bill that he vetoed, he sent back here. We have now said notwithstanding the veto, we believe the provisions that we both passed should in fact become law.

Now the gentleman is correct, which is self-evident, and I can't disagree with your proposition that the bill was not in exactly the same form, and as I indicated at the beginning, because I only learned about this about an hour and a half ago, these are off-of-the-top-of-my-head opinions, and are probably worth that much.

Mr. BOEHNER. Reclaiming my time, in terms of how this problem gets fixed, is there some consideration for how we fix this error?

Mr. HOYER. Yes.

Will the gentlemen yield?

Mr. BOEHNER. I would be happy to yield.

Mr. HOYER. We hope to have, again, as result of discussions between Mr. PETERSON and Mr. GOODLATTE, either by unanimous consent, which may not be possible, or under suspension because, again, I understand from Mr. PETERSON that title III is not a controversial title. Clearly, title I was controversial. Other titles were controversial. But if that is the case, then we can pass this by suspension tomorrow with suspension authority and send that to the Senate and hopefully they will then in turn send that to the President that title which has not yet been enacted or, frankly, acted on by the President, would either be signed by him or vetoed by him and we would consider it in that context.

Mr. DREIER. Will the gentleman yield?

Mr. BOEHNER. Let me yield to the gentleman from California.

Mr. DREIER. I thank the distinguished Republican leader for yielding. As the leader has said, this is a circumstance that does bring to mind the Deficit Reduction Act controversy which created a huge stir in this place and one with which we are still trying to contend.

I just heard that the Rules Committee was scheduled to reconvene at 6:30 this evening to report out the Duncan Hunter Defense Authorization bill, and I have been told that there's going to be some attempt made in the Rules Committee to deal with this issue in that rule. That's the word that we have been hearing over here.

I thank my friend for yielding. If he would yield to the distinguished majority leader, I would like to have us enlightened on the prospect of this.

Mr. HOYER. Will the gentleman yield?

Mr. BOEHNER. I would be happy to yield.

Mr. HOYER. The only thing, as I understand it, would be to make tomorrow a suspension day. It's not a suspension day. So we would have to make it a suspension day.

Mr. BOEHNER. If I could yield to my colleague from Missouri.

Mr. BLUNT. I appreciate the gentleman yielding.

I don't think, as I listen to this conversation and see it develop today, if we pass this section that the President hasn't seen, and the Senate passes the section that the President hasn't seen, and he either signs or vetoes it, that would be the only bill that the House actually passed that the President sees on this topic. It is clear if you look at the line-item veto case, it was clear in that case that the President can't selectively veto things in a part of a House bill.

Again, think through this with me, if you will. The only thing the President will have seen that the House and Senate both passed as it stands would be this last portion.

The concept that we can start sending bills over piecemeal because the House had passed this part of it is a flawed concept. Who knows what the House would pass if it didn't get a chance to pass the full bill each time. We would have passed the tax extenders today, unanimously, if it hadn't had the portion on it on new tax increases. We would have all voted for that part of the tax extenders bill. It wouldn't have changed that part of the bill. In fact, if we had only sent the President that part of the tax extenders bill, he would have signed it. But he probably won't sign it with this additional thing.

When we had the Deficit Reduction Act, which, believe me, I remember in vivid detail, vivid detail; we had a bill that we sent to the Senate, the Senate clerk made a change in it and sent it to the Senate floor. Nobody in the Senate who voted on the bill knew that it had been changed, so it had no impact on the Senate vote.

The Senate clerk got it back, realized that her change was inaccurate, sent it back to us just like we had sent it over to them. We voted on it again and sent it to the President, and didn't know until the signing ceremony that this had ever occurred. We didn't know until the signing ceremony that this had ever occurred. There was no action on the House at all with any knowledge any of this had ever occurred. In fact, none of it even occurred on the House side.

At that time, the minority leader stood up and said:

''Whereas, although the Senate Enrolling Clerk mistakenly changed critical numbers that had major financial significance, leadership deliberately chose to ignore that notification and instead allowed the House to vote on an incorrect version of this legislation.''

Not true, by the way.

''Whereas, the effect of these actions raises serious constitutional questions and jeopardizes the legal status of this legislation.

''Resolved, that the Committee on Standards of Official Conduct shall begin an immediate investigation into the abuse of power surrounding the accuracy of the process and enrollment.''

The Speaker of the House, my friends, certified to the President that we were sending him a bill exactly as we had passed it. We now understand that clearly was not an accurate certification of what the House has done, and we are about to go down a path that might have the only action really taken by the House that the President sees in totality, this last segment of the bill. Why we would have moved forward, knowing all those facts before we moved forward, is a mystery to me.

Mr. BOEHNER. I would be happy to yield to the majority leader.

Mr. HOYER. I am looking for the exact date, but the farm bill expires tomorrow, and we have to extend the farm bill or go back to the 1949 extension.

Again, I would say to my friend I am operating with some concerns about the questions that are raised. But, again, I say, first of all, what happened in the Deficit Reduction Act is that the bill that was sent to the President, the provisions were never passed by the Senate.

Every provision that was sent to the President was sent to the President after overwhelming votes from the House, overwhelming votes from the Senate in exactly the same position. Title III was passed by the Senate and the House, and inadvertently left out.

In the Deficit Reduction Act, figures were changed in the bill subsequent to passing the Senate and never passed by the House. So I would suggest that the analogy between the two is not apt. In addition, there was no bipartisan discussion on that change.

In this case, Mr. PETERSON and Mr. GOODLATTE are both on the floor. I didn't participate in those conversations. But I was informed by Mr. PETERSON, because I said, have you talked to Mr. GOODLATTE about this. He said he had. There had been significant discussions about that. There was concern about getting the farm bill passed because of the expiration of the existing authorization.

As a result of those discussions, my personal thought was there was bipartisan agreement that we could proceed this way. We did proceed that way. I don't think I can amplify my response more than that.

Mr. BLUNT. Would the gentleman yield?

Mr. BOEHNER. I would be happy to yield.

Mr. BLUNT. I thank the gentleman for his response. We may have a significant debate over whatever standards we were held to, that people are no longer held to. I will say that in that case, nobody in the House ever knew that any changes had been made, and it was alleged that somehow we were

going to be subject to Ethics Committee investigations.

I would say in this case that my principal concern would be that the sections of the farm bill that have gone to the President, since they were not part of an entire bill, could be subject to all kinds of future litigation. I do know in the litigation that the minority initiated in February, 2006, 2 years and millions of taxpayer dollars later, we finally ended that litigation at the court of appeals level with the court of appeals deciding that if the Speaker and the President pro tempore certified that this is what both bodies passed, it was what both bodies passed.

Here, we're moving forward with both bodies admitting that what this President has seen is not what both bodies passed. This idea that just because a portion of the bill has passed in a bigger bill means that the House was for that portion of the bill, that the Senate was for that portion of the bill, I don't think would stand any reasonable test of a way for us to move forward, and I think this bill does become subject to all kind of challenges from outside this building as well as perhaps from inside.

Mr. BOEHNER. I would just add, what has happened here raises serious constitutional questions, very serious. I don't know how we can proceed with the override as it occurred, nor do I think we should proceed with some attempt to fix it until such time as we all understand what happened, what are the precedents of the House, and how do we move forward.

As a result, I really believe that there ought to be a motion, I may make the motion, to vacate the vote that has occurred until we all understand better about what it is that we are dealing with.

Mr. HOYER. Will the gentleman yield?

Mr. BOEHNER. I would be happy to yield.

Mr. HOYER. My suggestion will be that we have another vote. We are going to have some other business coming. We discussed this briefly in the hallway. My suggestion is before we make any motions, that we take the time, your leadership and our leadership, let's sit down and discuss this and then we can come back and do whatever each decides to do.

Mr. DREIER. Would the gentleman yield?

Mr. BOEHNER. I would be happy to yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding.

I would just like to raise one other point that should be part of those discussions. If I could remind our colleagues, one of the items that was debated vigorously during consideration of the farm bill happened to be the issue of the baseline numbers that were used. We are poised at this moment to bring up a budget resolution which will raise a question as to exactly what baseline level is used and what pay-fors might be out there. So I think that we have some very serious questions that are raised.

My friend from Arizona (Mr. SHADEGG) just reminded us again that for us to conclude, as the distinguished Republican whip has said, that this bill somehow would have passed identically in the exact same form is a real stretch. For that reason, I think that we have lots of questions that need to be addressed before we do proceed.

I thank my friend for yielding.

□ 1845

Mr. HASTINGS of Florida. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. Does the gentleman from Ohio yield for that purpose?

Mr. BOEHNER. I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY AUTHORIZATION AND LEASE ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 5856, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 5856.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 18, as follows:

[Roll No. 349]

YEAS—416

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Flake
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)

Thompson (MS)	Walberg	Weller
Thornberry	Walsh (NY)	Westmoreland
Tiberi	Walz (MN)	Whitfield (KY)
Tierney	Wamp	Wilson (NM)
Towns	Wasserman Schultz	Wilson (OH)
Tsongas	Waters	Wilson (SC)
Turner	Watson	Wittman (VA)
Udall (CO)	Watt	Wolf
Udall (NM)	Waxman	Woolsey
Upton	Weiner	Wu
Van Hollen	Welch (VT)	Young (AK)
Velázquez	Weldon (FL)	Young (FL)
Visclosky		

NOT VOTING—18

Bishop (UT)	Fossella	Rush
Brown, Corrine	Gillibrand	Tiahrt
Carter	Green, Gene	Walden (OR)
Castor	Kennedy	Wexler
Crenshaw	LaTourette	Wynn
Feeney	Rangel	Yarmuth

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are less than 2 minutes remaining in this vote.

□ 1909

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

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend remarks on general debate concerning H.R. 5658.

The SPEAKER pro tempore (Mr. POMEROY). Is there objection to the request of the gentleman from Missouri?

There was no objection.

DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

The SPEAKER pro tempore. Pursuant to House Resolution 1213 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 5658.

□ 1910

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5658) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes, with Mr. JACKSON of Illinois in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. HUNTER) each will control 1 hour.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today the House begins consideration of H.R. 5658, which is the National Defense Authorization Act for Fiscal Year 2009.

This bill is a collective effort in the bipartisan tradition of the House Armed Services Committee which approved the bill in markup by a vote of 61–0. It is an excellent bill.

I want to thank the members of our Armed Services Committee, particularly the subcommittee chairmen, the ranking members, and actually every member of the committee.

Let me take this opportunity to also, Mr. Chairman, recognize the ranking member and former chairman, DUNCAN HUNTER, for once again being a great partner on this bill, and he is certainly to be commended and thanked for it. I am proud that DUNCAN and I have worked so well together through the years and always with the common goal of enhancing American national security.

It is only fitting, Mr. Chairman, that as DUNCAN HUNTER plans to retire at the end of this Congress, our committee colleagues unanimously voted to name this bill in his honor, recognizing DUNCAN HUNTER's many years of service on the Armed Services Committee, and also recognizing his unfailing support of our men and women in uniform. And we thank him publicly for that.

Mr. Chairman, let me discuss some significant provisions of the bill. It reflects our committee's view that restoring military readiness must be our number one priority. This is serious business. If, after more than 6 years of war, our effort is to restore military readiness, then it must be sustained in order to meet not just current military challenges, which are monumental, but prepare for the unexpected conflicts we may face in the future.

We don't know what is around the corner. I might point out, in the last 31 years American military forces have been engaged in no less than 12 military conflicts, four of which have been major in size.

The bill directs approximately $2 billion toward unfunded readiness initiatives requested by the services. It includes $932 million to deal with equipment shortages as well as for equipment maintenance. The bill also provides for some $800 million for National Guard and Reserve equipment, and $650 million to keep defense facilities in good working order and to address urgent issues such as dilapidated military barracks.

□ 1915

To boost readiness and to reduce the strain on our forces, the bill increases the size of our military; 7,000 additional Army troops, 5,000 additional marines, and prevents further military to civilian conversions in the medical field by authorizing an additional 1,023 Navy sailors and 450 additional Air Force personnel.

The bill also maintains our efforts to support and honor the men and women who serve our Nation in uniform and their families, providing a much needed 3.9 percent pay raise increase, and again, prohibiting increases in health care fees, among a range of other initiatives.

I might point out, the administration recommended only a 3.4 percent pay raise, and we raised that, as we should have.

The authorization bill also keeps our focus on Afghanistan, which is the primary front in the war on terror. The bill requires the administration to submit separate budget requests to clearly lay out the requirements for the war in Afghanistan, and on the other hand, the war in Iraq. It requires a system be set up to measure the success of the U.S.-led Provincial Reconstruction Teams, and requires more robust congressional reporting on the training of the Afghan Security Force.

Finally, the bill requires the Department of Defense to address the issue of command and control for forces in Afghanistan operating under Operation Enduring Freedom, as well as the NATO International Security Assistance Force.

The bill authorizes a $70 billion bridge for the fights in Iraq and Afghanistan. But we remain convinced that it's well past time for the Iraqis to step up and contribute more substantially to their very own security, as well as their prosperity. With the Iraqis' overwhelming budget and capital account surpluses, the bill requires Iraqis to invest more in their own reconstruction, as well as their own security efforts.

The bill also includes steps toward contracting reform after the substantial improvements in the law which we enacted in our previous bill last year.

This bill underlines our commitment to preventing the proliferation of weapons of mass destruction. It adds $31 million for the Cooperative Threat Reduction programs of the Department of Defense, and some $215 million from the Department of Energy's nonproliferation programs. That's important.

Finally, I want to say a word about the need for reforms in the way our government coordinates and executes its national security policy. Many here in Congress as well as the executive branch are working to improve our interagency system. It's a massive effort that cannot be accomplished in any one single year.

I remember well the now famous Goldwater-Nichols Act. It was an effort over 4 years in the Congress of the United States which, of course, made jointness part of the military culture, and this may well be along the same line, although hopefully it will not take 4 years to accomplish. But it cannot be done in one single year.

At the appropriate time during the bill's consideration, I will offer an amendment along with Chairman HOWARD BERMAN of the Foreign Affairs

Committee and Appropriations Subcommittee Chairwoman NITA LOWEY to establish a standing advisory board to work with the Secretaries of State and Defense on interagency matters and report to Congress their recommendations.

Before I reserve the balance of my time, let me pay tribute to those Members who plan to leave Congress at the end of this session and for whom this will be their final defense authorization bill. In addition to the retirement of our friend and ranking member, DUNCAN HUNTER, I want to express my appreciation to two other senior Members who plan to retire, Congressman JIM SAXTON and Congressman TERRY EVERETT. Both these gentlemen have made a very important contribution to our committee through the years and, consequently, have been wonderful partners, as well as outstanding Americans.

In addition, two of the most capable and committed members of our committee, ROB ANDREWS and MARK UDALL, plan to leave in order to seek other offices. The House and our committee are all the better for their service, and we wish all of these members who are not going to return to our committee next year all the best. They will be missed.

This is a critical time in our Nation. This defense bill is a very important one. I urge Members of this House to support this defense authorization bill. It does so much in the area of readiness, to support our men and women in uniform and their families, and to protect the American people.

With that, and additional thanks to my friend, DUNCAN HUNTER, on his final bill, we appreciate your work, your efforts, your friendship, Mr. HUNTER.

I reserve the balance of my time.

Mr. HUNTER. To my great friend, I don't deserve this honor that he has recommended here of naming the bill. I'm just an ordinary American, but I get to serve with lots of extraordinary Americans, and the gentleman from Missouri is one of those extraordinary Americans. He talked about the jointness that he's trying to bring over from his great work on the Goldwater-Nichols bill, of bringing our services together to act jointly, and extend that to the other agencies which are so crucial in this operation in Iraq and Afghanistan, and to bring them in also in a way that they act as a member of the team led, most of the time, by the Department of Defense, but nonetheless, one that requires cohesion and jointness and a culture of working together as a team.

I want to commend the gentleman for the fact that he has been the corporate historian, if you will, for the House of Representatives and for the Armed Services Committee, who often brings us back in debate or in hearings to events that transpired in conflicts 100 years ago sometimes, or World War II or Korea or Vietnam, and reminds us that we shouldn't have to learn the lesson a second time. So I want to give my great thanks to this great American, IKE SKELTON, and to all of the members of the great Armed Services Committee and the chairmen and ranking members of the subcommittees who put together such a great bill. A couple of them are sitting here next to me. I know JIM SAXTON is leaving. He was the first chairman of the Special Operations Subcommittee, the Terrorism Subcommittee, and traveled the world and the country and every base where we had SOCOM people stationed, talking to the teams, talking, whether they were Green Berets or Rangers or SEALs or other operators, trying to understand what they needed from Congress in order to be effective. He worked to get them that equipment, and now, as the ranking member of Air, Land, he continues that mission.

And, of course, TERRY EVERETT, that guy who doesn't make long speeches but spends a lot of time in classified sessions working and understanding on the issues surrounding space, and how those issues relate to national security. Probably nobody else in the country knows as much as he does on those issues.

And, of course, we've got a couple of members, as the chairman said, moving on to other offices, ROB ANDREWS and MARK UDALL, and we wish them the very best.

Mr. Chairman, this is an excellent defense bill, and I concur with the gentleman from Missouri that we should have a unanimous vote in the House of Representatives, just as we had under his leadership in the Armed Services Committee.

It does a couple of things that are important for us. It works toward the warfighting theaters, which are very important, Iraq, Afghanistan and other places in the world where the global war on terror is taking place. But, at the same time, and in those, in that category, we put in extra money for MRAPs for these armored vehicles, for protection for our troops, for jammers, for all the things, for new surveillance capability, new anti-mortar capability, all the things that would go to force protection, and also make our troops more effective in those theaters.

But beyond that, we pay a lot of attention and put a great deal of focus on modernizing the military and looking over the horizon to challenges that may go far beyond the current theaters.

We continue to fund the F–22, which the reports now coming back from the operators are to the effect that the F–22 is doing extremely well, a high performance fighter aircraft with lots of capability, lots of legs, lots of firepower, but especially lots of sensor capability, which we're finding to be extremely valuable.

The V–22, which is this platform that the Marines wanted for years because it goes roughly twice as fast as the CH–46s that it's replacing, are working extremely well in theater. The Marines are getting from point A to point B in half the time. They're able to carry out their mission more efficiently and effectively. They like that particular platform. And across the board, we are replacing and modernizing our military equipment.

Now there are some things that we need to do in this bill, and I would hope we could do on the floor. We did cut some $300 million out of missile defense. Mr. Chairman, we live in an era of missiles. This is an era in which we will see, in the coming years, the Iranians continuing to improve on the Shahab missile classes, which already can reach parts of Europe, at some point will be able to reach all of Europe, and will be followed by missile classes that, at some point, will be able to reach the United States.

We also have seen North Korea throw a pod of missiles into the North China Sea, and the Sea of Japan; some of which have capability, if they put more sections on those missiles, ultimately, to reach American allies and the United States itself. So we're entering the middle of what I would call the era of missiles. And having defense against missiles is a key part of the American defense system.

We've had these wonderful successes where we've shot down missiles that are traveling, where the interceptor and the missile it shoots down 148 miles above the surface of the Earth are traveling roughly three times the speed of a 30–06 bullet, and we've had collisions in mid flight. We saw a great demonstration when we took down the rogue satellite that had to be destroyed to avoid possible collateral damage. We took that down with a sea-based missile system that worked very well.

We clearly are moving along in the right direction in trying to put up defenses as the offensive systems become more sophisticated. But I think we need to continue to move down that path.

We did cut money out of the European-based missile systems and other systems, and I would hope that we could restore some of the missile defense money in this particular bill. I know Mr. FRANKS will be offering that.

Similarly, the FCS program, I think, is an area we need to restore dollars. Mr. Chairman, we have a number of en bloc amendments and amendments that will be offered by members that I think will, in fact, make this bill even a little bit better than it is.

I want to finish by thanking the chairman for putting together a great bill in the Armed Services Committee, for moving it down the road very quickly, and getting it to the House floor.

This is the bill that provides our troops with the tools that they need to get the job done. And that's why it's important, that's why this committee acts in such a bipartisan fashion, and we follow the bipartisan model of the gentleman from Missouri, IKE SKELTON.

I would reserve the balance of my time.

Mr. SKELTON. Mr. Chairman, I yield 5 minutes to my friend, my colleague, the gentlewoman from California (Mrs. TAUSCHER) who also is the chairman of the Subcommittee on Strategic Forces.

Mrs. TAUSCHER. Mr. Chairman, I rise in very strong support of H.R. 5658, the National Defense Authorization Act for Fiscal Year 2009.

I want to commend Chairman SKELTON for his leadership on bringing such a strong bipartisan bill to the floor.

As chairman of the Strategic Forces Subcommittee, I have worked with my colleagues on both sides of the aisle to ensure that the bill achieves three broad objectives. It sustains and modernizes the stockpile stewardship program, which insures the safety, security and reliability of our nuclear deterrent. It invests in the development and deployment of ballistic missile defense systems that address near term threats to the United States, our deployed troops and our allies. And it supports significant military space programs in critical phases of development, including the space-based infrared system.

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With regard to the nuclear complex, it provides additional funding to address certification issues raised by the 2007 JASON review of the RRW proposal. It fully executes the National Ignition Campaign, and it explores next-generation stockpile stewardship tools. The bill fully funds the request for the defense environmental cleanup and urges DOE to increase the resources dedicated to cleanup in future budgets.

We also fully fund the Mixed Oxide Fuel Fabrication Facility at the Savannah River Site in South Carolina, and we stress that the MOX project is a nonproliferation and a national security priority.

For the Missile Defense Agency, the bill authorizes $8.6 billion, a cut of $719 million below the administration's request. The bill reflects our committee's strong bipartisan support for addressing the short, medium, and intermediate missile threats that face our warfighters. It includes several important funding increases. It adds $75 million for Aegis Ballistic Missile Defense, $75 million for Terminal High Altitude Area Defense, $25 million for missile defense target development, and $10 million for the joint U.S.-Israel short-range missile defense program.

The bill authorizes $341 million for the proposed European missile defense site, an increase of more than $100 million over current-year funding but a reduction of $371 million below the administration's request.

The committee has extended conditions contained in the fiscal year 2008 National Defense Authorization Act to help ensure that the pace of any deployment of U.S. missile defense systems in Europe is synchronized with our diplomatic efforts and that the proposed system has been fully tested.

The bill strongly supports our cooperative programs with Israel authorizing $54.1 million for the joint U.S.-Israel short-range missile defense program, an increase of $10 million over the President's request.

It also authorizes $74.3 million for continued development of the Arrow Weapons System.

In military space programs, the bill pushes DOD to focus on near-term warfighter needs, space situational awareness, and space protection. The bill also directs the Secretary of Defense to submit a plan for the Department's bandwidth needs in the near and longer term.

Mr. Chairman, at this time I would like to honor my ranking member, Mr. EVERETT of Alabama, who is retiring this year. Mr. EVERETT was previously the chairman of this subcommittee. There is no finer gentleman in the House. He is a man of significant effort, he is a perfect Southern gentleman, and it was my pleasure to work with him over the last few years and this year to have him as my ranking member. I wish him and his wife Barbara and their family all the best in their retirement years.

Mr. Chairman, the bill supports our critical national security priorities, and I strongly urge my colleagues to support its adoption today.

Mr. HUNTER. Mr. Chairman, I would like to thank the gentlelady in putting this bill together and recognize the gentleman from New Jersey (Mr. SAXTON) who, every time I talked to him over the last 4 or 5 years, he was meeting with a different group of special operators trying to figure out what they needed and where they needed to go and tireless in pouring himself into an airplane to get to yet another base and meet with more troops.

He's done a wonderful job as the ranking member of the Air and Land Subcommittee. We're going to miss the gentleman from New Jersey.

I would like to yield him 5 minutes.

Mr. SAXTON. I want to thank Mr. HUNTER for yielding time.

Mr. Chairman, there has been a lot said here tonight about bipartisanship and working together, and it's absolutely been a fantastic experience for the last 2 years we've worked under the leadership of our good friend, IKE SKELTON. I might say that one of the reasons that this bipartisanship works so well is very simply because we're all friends. We're friends in the committee, we're friends in the hallway, we're friends in our offices, and we are friends here on the floor, and we're friends when we're not in session.

And so we appreciate the opportunity to be here tonight on the floor in that spirit.

I might also thank my good friend from California (Mr. HUNTER) for the kind remarks that he offered with regard to my service. But I want to say something, too, about Mr. HUNTER, because for the last several years before IKE SKELTON, Mr. HUNTER was our chairman, and now he's our ranking member. Following in the footsteps of Floyd Spence and Bob Stump, DUNCAN HUNTER picked up the job of being chairman and continued to set the tone for the bipartisanship that is a hallmark of the Armed Services Committee.

Perhaps as only Ronald Reagan could have said it years ago when I first came to Congress, he said, You know, a lot of things are important around here, but there is nothing that's more important, maybe there are some things that are as important, but nothing is more important than our national security.

And the bipartisanship with which the Armed Services Committee, under the leadership of both Mr. SKELTON and Mr. HUNTER and their predecessors, has approached this issue is very, very important. I would like to thank the gentleman for the great job that he's done, as well as my friend, IKE SKELTON.

Force protection is a very important element of this bill. We know that force protection has changed a great deal because of the threat that we face in Iraq and Afghanistan of an conventional nature.

In this bill we upgraded the funding available for the Mine-Resistant Ambush-Protected Vehicle, the MRAP. We have $947 million to upgrade the armor on Humvees, and $2.2 million for the Abrams tank upgrades, the Bradley fighting vehicle, as well as the Stryker. And so we once again put our soldiers first and are providing the protection for them that they need.

One of my pet projects in the years that I have been on the committee has been the moving forward of the C–17, and here again, we've got funding or we've got authorization here for 15 additional C–17s, and hopefully we will continue to move forward with that.

There is one area that I have a concern about in this bill, but it's a whole lot better than it could have been when it started. Our great friend, NEIL ABERCROMBIE, compromised with us on the Future Combat System.

While it's important to provide force protection for today's Army, it's also important to get ready for tomorrow's Army. And while the Air Force, as well as the Marine Corps, as Mr. HUNTER pointed out, adopted a revolutionary system known as the V–22, which is a fixed-wing aircraft. It can take off vertically and can fly twice as fast as a helicopter. That was revolutionary. In the Air Force, we have revolutionary systems, the F–22, the Joint Strike Fighter, which are revolutionary because they can do things that we never dreamed that we could do before.

The Army has been an evolutionary developer, and the FCS, the Future Combat System, is the first, in my time here, revolutionary system adopted by the Army. We cut the funding for the Future Combat System by $233 million. I think that's a mistake. This is a big year for the FCS, and in my view, we should have funded it altogether. $3.6 billion is a lot of money. That's the total authorization for the FCS this

year. A 5 or 10 percent cut may not seem much, but this is the make-it-or-break-it year. This is the year we study the progress we've made with FCS and decide whether to go forward with it or not. A bad year to make a cut in my estimation.

Mr. Chairman, I appreciate very much the opportunity to be here tonight under these circumstances. This is a good bill. I am certainly going to support it, and as Mr. HUNTER suggested, this should be a unanimous vote, and I urge the House to make it so.

Mr. SKELTON. Mr. Chairman, at this time I yield 5 minutes to the chairwoman of the Subcommittee on Military Personnel, the gentlelady, our friend and colleague, Mrs. DAVIS.

Mrs. DAVIS of California. Mr. Chairman, as the chairwoman of the Military Personnel Subcommittee, I'm pleased to support H.R. 5658, the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009.

As my colleagues and the other subcommittee Chairs have noted and will note, I think, as they speak, this bill is a bipartisan effort. I want to recognize the committee chair, of course, Mr. IKE SKELTON, and the ranking member, Mr. DUNCAN HUNTER, for their exemplary leadership.

I would also like to recognize my ranking member on the subcommittee, Mr. MCHUGH, for his support. I also want to thank our dedicated staffs on both sides of the aisle for extraordinary work.

Each year has been extremely challenging to meet all of the wishes that we seek for those who are serving in harm's way. And this year was certainly no exception. However, the defense bill before us continues to enhance and improve the quality of life for our servicemembers and their families who are bearing the brunt of 6 years of war.

Let me highlight some of the important initiatives that we address. The committee supported the President's proposal to increase end strength for the Army and Marine Corps and restores the military to civilian conversions within the medical community that were prohibited in last year's bill.

The bill includes a 3.9 percent pay raise which is one-half of 1 percent above both the President's budget request and private sector raises as measured by the Employment Cost Index, the ECI. This is the 10th consecutive year of pay raises above ECI, and this raise will further reduce the gap between military and private sector raises from 3.4 percent to 2.9 percent from a high of 13.5 percent during fiscal year 1999.

The bill establishes a tuition-assistance program for eligible military spouses to develop careers that are portable as they move with their servicemember from base to base.

The bill also authorizes a career intermission pilot program that would allow those who are seeking a military career time-off from active duty for a period of several years in order to pursue other life achievements.

The reserve components have moved from a strategic force to an integral and vital part of the operational force, particularly in the Army. The bill would increase full-time manning for the Army National Guard to 30,450 and the Army Reserve to 17,070.

The bill prohibits TRICARE health and pharmacy fee increases proposed in the President's budget. I'm pleased that we were successful in finding the offsets necessary to prohibit the fee increases to protect our military beneficiaries.

However, the committee remains concerned that the department continues to put forward proposals that place the focus solely on our military retirees and fails to address other cost drivers within the system. So we must work together to find a fair and equitable solution that protects our beneficiaries and ensures the financial viability of the military health care system for the future. The bill begins efforts to improve the health care readiness of our force and their families by establishing preventive health care programs.

Mr. Chairman, the bill before the Members today is a good bill, and Members can be proud of what we are doing for the troops and their families.

I urge my colleagues to support the bill.

Mr. HUNTER. Mr. Chairman, I would like to yield 3 minutes to the gentleman from Maryland who is the ranking member on the Seapower and Expeditionary Forces subcommittee, Mr. BARTLETT.

Mr. BARTLETT of Maryland. Mr. Chairman, I strongly encourage my colleagues to support the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009. As ranking member of the Seapower and Expeditionary Forces Subcommittee, I applaud the efforts of Chairman TAYLOR and his staff who have done an excellent job of meeting the needs of our sailors, aviators and marines.

I also want to thank my staff who did a great job. They helped prepare this statement and so they modestly did not include themselves. Thank you, staff, very much.

The bill accelerates the planned refueling complex overhaul of the USS *Theodore Roosevelt*. It fully funds the next generation carrier, the fiscal year 2009 Virginia class submarine and provides procurement for a second Virginia class submarine in both fiscal years 2010 and 2011. The bill also authorizes two T-AKEs and two Littoral combat ships.

There are several areas where the committee disagreed with the President's budget requests. For example, the bill would not allow the Navy to terminate the LPD–17 production line. The bill would slow the pace of the DDG 1000 destroyer program while providing the Navy with the flexibility to reevaluate its options for service combatants and reduce risk for the next generation cruiser.

On the aviation side, the bill continues to support the alternative engine for the Joint Strike Fighter. It also provides additional funding to address emergent P–3 aircraft repair issues.

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With regard to Marine Corps programs, the chairman and I share concerns and the same goals about the Expeditionary Fighting Vehicle and its survivability. The Marine Corps has responded to our concerns by making design changes that will improve its survivability by 50 percent over the baseline. But I believe that more can be done. I have asked the chairman if we can continue to examine this bill's proposed $40 million cut to the EFV program to ensure we achieve this important goal.

The bill extends the committee's prior work to expand nuclear propulsion for shipbuilding. Last year, we required the Navy to include integrated nuclear propulsion for the next generation cruiser. This year, the bill would require that future amphibious assault vessels also include nuclear power.

The Navy's 2007 study on alternative energy for ship propulsion indicated that the break-even price for nuclear propulsion for amphibious ships was a market price of $178 per barrel of oil. We're creeping up to that number. Oil hit a new record of $133 a barrel today.

Finally, Mr. Chairman, I would like to note that several of our colleagues, all three of them sitting in the Chamber in front of me, are retiring at the end of this Congress. My very good friend, DUNCAN HUNTER; good friend, JIM SAXTON; and my classmate, TERRY EVERETT, thank you all very much for what you have done for your country, for our servicemen and -women. You have my deepest respect and gratitude.

Mr. Chairman, I ask my colleagues to support this bill.

Mr. SKELTON. Mr. Chairman, I yield 5 minutes to my colleague, my friend, the gentleman from Washington, who is also the chairman of the Subcommittee on Terrorism and Conventional Threats and Capabilities, Mr. SMITH.

(Mr. SMITH of Washington asked and was given permission to revise and extend his remarks.)

Mr. SMITH of Washington. Thank you, Mr. Chairman.

I want to start by thanking Chairman SKELTON and Ranking Member HUNTER for the work they have done, not just on this bill but during the 12 years that I've been in Congress and even before then.

Their leadership on this committee I think should be an inspiration to all of us in the way they approach these very important issues. To begin with, they set a tone of bipartisanship. We worked together in an open process that I think gives us the high quality product

that we wind up with. And that's not to say that we don't disagree, occasionally along party lines, but we do so in a very open, very honest way, in a way that I think addresses the issues and the way that Congress should perform. I want to thank Chairman SKELTON and Ranking Member HUNTER for his time as ranking member and time as chairman as well for doing that.

I think this year's bill is a particularly good product and representative of that fine work. We have heard many different pieces of it already. I just want to highlight two in the general bill.

First of all, the $2 billion in additional money that we put in to deal with readiness, a major challenge right now for our Armed Forces, particularly the Army and the Marines. Our forces are really under a great deal of strain because of their deployments in Iraq and Afghanistan. Maintaining readiness has been a major challenge and concern, and this bill puts that concern up front and funds it in a way that will help us begin to deal with the problem.

Also, equally as importantly, it prioritizes our troops by giving them a 3.9 percent pay raise, to recognize the hard work and sacrifice that they perform for us and support them in every way that we possibly can.

With that, I want to highlight some of what we've done on our subcommittee, the Subcommittee on Terrorism, Unconventional Threats, and Capabilities. We have four main areas that we focus on.

The first of those is the Special Operations Command over which we have jurisdiction, and I want to pause at this moment in the general remarks and thank Representative SAXTON who, though he is not the ranking member on this committee now, serves on the committee and was the first Chair. As Representative HUNTER has pointed out, the special operations forces were a particular concern of Representative SAXTON. He has a done a great deal in our efforts to expand that force, meet their needs and expand their capabilities, and more than that, he has been a great Member, not just of this subcommittee but of this committee for his career in Congress. He will be missed, and I very much appreciated working with him.

What we have done primarily for special operations forces in the bill this year is fund as many of their unfunded requirements as we possibly can. They have been at an incredibly rapid tempo in Iraq and Afghanistan and elsewhere. Continuing to fund their needs is the top priority of our subcommittee.

The other area that we focus on is irregular warfare, and there are a number of different pieces to this. But I think it's a critical part of our defense bill because it is emerging as one of the most continuous pieces of the fight, counterinsurgency efforts, counterterrorism efforts, things that were not prior to 9/11 part of our lexicon to the degree that they are now.

We take steps to make that a higher priority by raising it to the Assistant Secretary level at the DOD and also by helping to fund human terrain teams. Our subcommittee received excellent testimony about what these human terrain teams are doing to go in and understand the culture in Afghanistan, in Iraq. We actually employ anthropologists and others who are experts in culture so that our forces can know who they're dealing with when they go in. This is a critical element of what we're working on.

We also, thirdly, focus on harnessing technological innovation. We fund it, to begin with, $1.69 billion worth of R&D for science and technology, and we also focus on harnessing new technologies as quickly as possible by developing a clearinghouse for that. The procurement process in the DOD can be a lengthy process at times. We want to get these technologies out in the field as quickly as possible when they are most useful.

We're also asking the Department to focus on the recruitment of IT professionals, the people with the brains to help us with cyber security and elsewhere. As you might guess, the DOD does not pay as much as these people might be able to earn in the private sector. So we have to aggressively go out there and recruit folks to make sure that we have the top IT professionals within the DOD. Our bill focuses on that as well.

Lastly, we focus on improving DOD's homeland defense capabilities, a role of our subcommittee, by funding the Defense Threat Reduction Agency and the chemical/biological defense programs and by increasing their funds and making sure that they have what is necessary to protect us here in the homeland, within the DOD, working in cooperation with the Department of Homeland Security.

Again, I want to thank Representative SAXTON for his work and also Representative THORNBERRY, who is the ranking member on this subcommittee. He has been great to work with, very smart, very talented, works in a bipartisan way. All of the issues that I have just listed have been made possible in large part because of his input. I appreciate working with him as well.

Again, I want to thank the chairman and Ranking Member HUNTER for the way they run this committee. It makes me proud to be in Congress every year I have the opportunity to serve with them.

Thank you very much.

Mr. HUNTER. Mr. Chairman, I want to thank the gentleman who just spoke for his great work on this bill, and I yield for 4 minutes to the gentleman from Alabama, who is the ranking member on the Strategic Subcommittee, formerly the chairman, and again a guy who has spent thousands of hours in closed-door sessions, with no press releases attached and no cameras present. He's a guy that's pretty easy to elbow out of the way at a press conference because he usually isn't there. But he has served countless hours in the service of this country, understanding some pretty complex things about space and national security, and he is the gentleman from Alabama, Mr. TERRY EVERETT, and the country needs more people like this gentleman.

Mr. EVERETT. I thank you, Mr. Chairman, and I'd like to thank my good friend, Mr. HUNTER, for yielding to me and thank him for his leadership and his friendship.

I was honored that when this subcommittee was originally formed, Mr. HUNTER asked me to be the first chairman of this subcommittee. It was a great pleasure and it's been a real love for me.

I would also say that Mr. HUNTER has served this Nation and his constituents in California with great distinction. He's served this Nation with great distinction.

Mr. Chairman, I rise today in support of H.R. 5658, the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009.

I would also like to congratulate Strategic Forces Subcommittee Chairman TAUSCHER. This subcommittee handles some very technical, complex and sometimes controversial issues. Missile defense, space, and nuclear weapons are difficult issues to work through. But together, with the understanding and leadership of Chairman TAUSCHER, we have developed legislation where we agree on far more than we disagree.

This year's bill contains many sound measures that provide key capabilities to the warfighter and strengthen our strategic forces.

I am particularly pleased with the support this bill provides to national security space. The bill addresses many important issues including: continued awareness of the growing threat to space and emphasis on mitigating vulnerabilities; the need to war-game and exercise the loss of space capabilities; full funding for key acquisition programs such as advanced extremely high frequency, WGS, SBIRS and GPS–3, that reflect a measured approach to space acquisition; and protection of the T–SAT budget request, while the Department reevaluates architecture options after their decision to reduce this program by $4 billion.

The mark makes positive strides in the area of atomic energy defense activities by: adding funding to research enhanced surety for existing weapons systems; and directing the Secretaries of Defense and Energy to report on steps they are taking to enhance inventory controls for nuclear weapons.

I am disappointed the Reliable Replacement Warhead study wasn't directly funded. Our nuclear deterrent is aging, while the rest of the world's nuclear powers are modernizing theirs. The commander of U.S. Strategic Command testified that we are accepting significant future risks with our legacy Cold War stockpile.

The American public may not realize this, but the current administration has implemented the largest nuclear stockpile reductions since the end of the Cold War and has an extensive nonproliferation program to reflect the evolving proliferation threat.

A reliable, modernized nuclear stockpile that includes RRW holds the promise of allowing us to further lower our nuclear weapons numbers, while continuing to provide a strong deterrent for the United States and our allies.

Our missile defense deliberations proved the most challenging. While we agreed on many provisions, such as full support for Patriot PAC–3, Aegis and THAAD, there are a few provisions that the minority could not concur with.

I am deeply concerned about the 50 percent cut to European missile defense contained in the bill. I believe this sends the wrong signal to our allies and emboldens Iran.

The CHAIRMAN. The gentleman's time has expired.

Mr. HUNTER. I yield the gentleman another minute.

Mr. EVERETT. While Congress puts the brakes on this effort to protect the American people, our forward-deployed forces, and our allies, Iran has stepped on the accelerator. Iran continues to: expand its arsenal of short- and longer-range ballistic missiles, install advanced centrifuges to enrich uranium, and evade questions on past nuclear weapons research.

Our NATO allies recognize this threat and, in April 2008, provided unanimous endorsement of the European missile defense proposal. In a few weeks, the Czech Republic plans to sign agreements with the U.S. to host the missile tracking radar.

This is a critical time for the U.S. to continue its leadership. In addition to NATO, we have key allies such as Israel and Japan who are relying on U.S. commitments to missile defense. I am, therefore, disappointed that the committee would not accept my amendment to restore funding to this effort, particularly after significant progress is being made to meet the conditions outlined in last year's legislation.

As the Secretary General of NATO said at a speech on May 5, ''In tomorrow's uncertain world, we cannot wait for threats to mature before deciding how to counter them.''

I also remain concerned about China's actions in space. According to the Pentagon's annual China military report, its undeclared and unexplained January 2007 anti-satellite test is only one part of a larger Chinese counterspace program to prevent the use of space. Thus, I was strongly disappointed and troubled that my amendment to direct an independent study to examine the feasibility of space-based defense concepts was not supported in our committee markup. Such a system might also provide another layer of defense against ballistic missile threats.

In the final analysis, there is far more in this bill that we agree on than disagree on.

The CHAIRMAN. The gentleman's time has again expired.

Mr. HUNTER. I yield the gentleman an additional minute.

Mr. EVERETT. I would, however, caution Members from further reducing funding for missile defense. These programs have already been cut by over $700 million. Any further reductions to these important programs would have very detrimental effects to our national defense.

I think the programs in our subcommittee's jurisdiction are some of the most exciting things our Nation does. It is important that we not lose sight of the vital role our space, missile defense, and nuclear deterrent capabilities play in our national security.

I would like to thank the other members of the subcommittee and the staff for their hard work in making this bill a quality product. I intend to support it, and I ask the Members to support it.

Again, I would like to congratulate Chairman TAUSCHER for the work that she's done on making this a very good mark, and also I'd like to congratulate my good friend IKE SKELTON for his leadership.

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Mr. SKELTON. At this time, I yield 5 minutes to my good friend and colleague, the gentleman from Mississippi (Mr. TAYLOR), who is also the chairman of the Subcommittee on Seapower and Expeditionary Forces.

Mr. TAYLOR. I want to thank the distinguished chairman, and quite possibly the best committee chairman we've had on the House Armed Services Committee in my 20 years, Chairman IKE SKELTON.

I rise today in strong support of H.R. 5658, the National Defense Authorization Act of 2009. The bill before the House today represents the strong bipartisan effort of the House Armed Services Committee under the leadership of our very capable chairman, IKE SKELTON.

For Navy and Marine Corps programs, this bill recommends several initiatives not in the administration's budget request that we believe will enhance the ability of the sea services to protect our Nation. These initiatives include:

Full funding for the eight ships in the President's request, with authorization to build an additional four.

The funds for $1.8 billion to fully fund a 10th LPD class amphibious assault ship, a vessel that is the number one priority of the Commandant of the Marine Corps.

We would pause the DDG 1000 program to allow the Chief of Naval Operations the flexibility to restore the production of the DDG–51 class destroyers, or continue the 1000 program.

Advanced procurement funding for long lead components to accelerate the production of Virginia class submarines to two per year beginning in fiscal year 2010 instead of fiscal year 2011.

Authorization for the final two vessels in the Lewis and Clark T–AKE dry cargo ammunition ship class.

$14.6 billion for the procurement of 206 aircraft, including eight Joint Strike Fighters, 45 F/A–18 series aircraft, 30 Marine Corps MV–22s, 49 MH–60 series helicopters, 44 T–6 JPATS training aircraft, and two KC 130J cargo aircraft.

We would include $247 million for the continued funding of the Joint Strike Fighter competitive engine program; $448 million for emergent aircraft wing repairs to the P–3C fleet of reconnaissance aircraft.

We also include important legislative proposals that would direct the Secretary of the Navy to design and construct the next class of amphibious warships with an integrated nuclear power system.

Mr. Chairman, today the price of oil went to approximately $130 a barrel. Less than half of the oil that our Nation uses is produced within the United States of America. It makes no sense at all, you have aircraft carriers that could go 30 years without refueling, if those ships that support our aircraft carriers have to refuel every 3 to 5 days.

We would authorize the commencement of the complex refueling overhaul of the USS Roosevelt. We would authorize economic inflation adjustments to the statutory cost cap of the Littoral combat ship based on the realities of cost escalations in the materials to build those ships.

We would require accountability of obligations in the National Defense Sealift Fund. I want to thank one of our new Members, Admiral Sestak, for helping to make that happen.

For the committee's oversight of the activities of the Maritime Administration of the Department of Transportation, we authorize the request for funding the Maritime Security Program, the Vessel Disposal Program, and the operations and maintenance included in the Merchant Marine Academy.

We would authorize $30 million for the Maritime Guaranteed Loan Program, commonly referred to as title XI loans. We would authorize the Secretary of Transportation to increase student initiative payments at the various State maritime academies.

And we would prohibit the transfer of government-owned vessels for the purpose of scrapping or dismantling in foreign shipyards.

Mr. Chairman, I would also like to thank my good friend and ranking member, the gentleman from Maryland, the Honorable ROSCOE BARTLETT. I have been honored to have him as my working business partner. He has been a great partner in helping to rebuild our Nation's fleet.

I urge my colleagues to vote ''yes'' in support of this bill.

I now recognize the gentleman from Maine for the purpose of a colloquy.

Mr. ALLEN. I thank the gentleman for yielding.

I appreciate the opportunity to discuss an important subject, the fine men and women of Bath Iron Works, one of two shipyards in my district.

These skilled men and women are a national asset and the reason for our proud slogan that ''Bath built is best built.'' It is on their behalf I would like to ask the gentleman about the committee mark for the DDG 1000 program.

Mr. TAYLOR. I appreciate the gentleman's questions. I would remind the gentleman, and all Members of this body, that from the earlier days of our Republic we have had at least six major naval shipyards. In the early days, there was concern that maybe the British or the French may come back and reoccupy our country. In the case of the Washington Navy Yard, they did. It made sense then, it made sense now.

I am committed to the industrial base of those yards that build our surface combatants, both in Maine and on the gulf coast. The DDG–51 has been a phenomenal platform.

The Acting CHAIRMAN (Mr. ELLISON). The time of the gentleman has expired.

Mr. SKELTON. I yield 2 additional minutes to the gentleman from Mississippi.

Mr. TAYLOR. The 51 has been a proven platform; we've had over 50 of those ships constructed. It has turned out to be a bargain for the taxpayer.

I do have concerns about the DDG 1000 program and some possible cost overruns associated with it. That is why for the stability of the fleet and for the purposes of trying to get the fleet up to 313 ships, we are going to give the Chief of Naval Operations the option of either pursuing the third DDG 1000, or DDG–51s, keeping in mind that the Navy can buy two DDG–51s for the price of every 1000.

Mr. ALLEN. It is my understanding that the committee is on record for full funding of any vessels in fiscal year 2010 that the Navy decides to build using fiscal 2009 advanced procurement funding which is provided in this bill.

Mr. TAYLOR. Again, the gentleman is correct.

Mr. ALLEN. I thank the gentleman.

You said this, but it's also my understanding that the committee is giving the Navy the option of either shifting back to the DDG–51 program or continuing with the DDG 1000 program; is that right?

Mr. TAYLOR. That's correct. And I would also remind the gentleman that we are working with the Chief of Naval Operations. He has come to us with a proposal. To extend the life of one of our oldest carriers, he would have to spend approximately $2 billion to get an additional 6 months out of that carrier. We are working with the Chief of Naval Operations to give him the option of, instead of spending $2 billion to get an additional 6 months, of taking that $2 billion and applying that money towards an additional surface combatant. And that would certainly help the fleet, and I think it would certainly help Bath Shipyard.

Mr. ALLEN. I appreciate the explanation of the gentleman. And I look forward to working with him to ensure that our Navy gets the finest warship that our combined shipyards can provide.

Mr. TAYLOR. I want to thank the chairman. And I want to encourage all the Members of this body to support the House authorization.

Mr. HUNTER. I want to thank the gentleman who chairs the Seapower Subcommittee for the great work that he has done and turn to another gentleman, the gentleman from New York (Mr. MCHUGH), who has served for many years, first as chairman, and then ranking member of this very important Personnel Subcommittee which oversees the policies of those 2.5 million Americans who serve in uniform. The gentleman from New York has done a great job, and I would like to yield 4 minutes to Mr. MCHUGH.

Mr. MCHUGH. I thank the gentleman from California for his gracious comments.

Let me start off by returning the favor. This is a monumental bill if for no other reason than it bears the name of the gentleman from California, DUNCAN HUNTER. It also is a bill that represents the departure of two other very senior members of the Defense Committee, the great gentleman from New Jersey, JIM SAXTON, and my classmate, TERRY EVERETT, from the great State of Alabama. All three of these gentlemen have served this committee in the grade tradition in which it is steeped so deeply, and that is of bipartisanship, and of the focus that the important thing, the only thing is to field the finest military the world has ever seen. And through their collective service, they have, indeed, done that.

I want to thank the gentleman from Missouri, the distinguished chairman, for moving the resolution that ultimately named this bill after my dear friend, my great leader, DUNCAN HUNTER, but also, I think, forms the basis of what can only be described as a very, very good bill.

To Chairwoman DAVIS, the gentlelady with whom I have deeply enjoyed serving, I want to commend her for bringing to the floor tonight a Personnel piece, a mark that is predicated upon bipartisanship, predicated upon openness. And I thank her for allowing all of us, myself, of course, but equally, if not more importantly, the other members of the subcommittee and the full committee on both sides of the aisle, the opportunity to have meaningful input to its outcome.

You heard her talk very eloquently, very adequately, very reasonably and correctly about the very, very positive provisions of this Personnel mark. Increases end strength, something this subcommittee has been working on for a number of years to relieve the pressure on those men and women who step forward, who have paid the price of stop loss, who have paid the price of extended deployments. This will help them immeasurably.

The active role of the Army Guard and Reserve and their role in this, so important, the increases to that.

The pay increases that continue the efforts that we had begun some years ago, where the pay gap between the private and the military sectors was 13 percent and has now been taken below 3 percent, that we intend, I hope, collectively, to fully continue education and training opportunities for military spouses, recognizing they are part of this battle as well.

From impact aid to survivor indemnity allowances to TRICARE fees, and on and on and on, this is a bill that every Member of this House should, and I deeply hope will, support.

I said this is a very, very good bill. In all honesty, it could have been a great bill. It could have been a great bill except for a number of important, but I think insufficient, responses to the challenges we had.

A problem that I faced, when I had the honor of being the chairman of the Personnel Subcommittee, was predicated upon the administration's, I would maintain, ill-advised proposal to begin the necessary path toward reforming the cost of military health care on the backs of the recipients. They have proposed it again this year.

The Acting CHAIRMAN. The gentleman's time has expired.

Mr. DUNCAN. I yield 2 additional minutes.

Mr. MCHUGH. It was a serious challenge that was resolved in a way that I can honestly say can only be described as a budgetary gimmick. Rather than using all the tools available to it, the Democratic leadership—not the leadership on this committee, but the Democrat leadership of this House—chose, instead, to take from the retirees, those who have already served, a hit of 1 percent of one month of their retiree pay. They had other options and tools available to them, and I honestly believe they took the easy way. I hope we can, from this point forward, use the opportunity of conference and discussion with the administration and, of course, with the Senate to find a better resolution.

Also, I think the fact that the House Budget Resolution that was supposed to be passed today, but I assume will be passed in the very near future, offered a hope, offered the opportunity for the Budget chairman to make decisions about reallocations to address such things as the widows tax, to address other kinds of problems, were not utilized. And we lost a very important opportunity that, whatever one may think about the Democrat Budget Resolution, provided for the first time hope, provided for the first time opportunity, and that has been squandered.

Still, in the days ahead, I think we can take this very, very good bill and elevate it to a great bill.

For the purposes of tonight, however, for the purposes of those who worked hard on it, the gentleman from Missouri, the gentleman from California, all of our subcommittee chairmen and ranking members, this is a bill that reflects, in very fine form, the bipartisan approach of one of the grandest committees, one of the most important committees under the Constitution this House has ever created, the Armed Services Committee, and it deserves our support.

Mr. SKELTON. Mr. Chairman, I recognize, for purposes of a unanimous consent request, the gentleman from Ohio.

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

Mr. KUCINICH. Mr. Chairman, I rise today in opposition to H.R. 5658, the National Defense Authorization Act for Fiscal Year 2009.

The United States military is unmatched. I therefore maintain that the defense-industrial complex follows a misguided strategy of buying weapons that provide Americans with no increased safety.

We need to provide for the traditional sense of security by first ensuring economic security, health security, and job security for all. The roots of terrorism begin not in hatred, but in desperation. All people, no matter their ethnicity, seek the basic necessities such as food, clothes, shelter, good health, and the ability to earn a decent living. If you can level this playing field, there is no desperation that may potentially evolve into radical hatred.

I will support a defense budget that matches real threats to our security with appropriate defensive measures. Our foreign policy should promote economic stability worldwide, thereby eliminating the roots of terrorism, which stem from desperation. This bill does the opposite by continuing policies of fear and aggression.

The advocates of advanced weapons systems fail to understand these new systems do not match up an effective defense capability with the terrorist threats. Only a new approach to foreign policy can effectively mitigate the terrorist threat.

The ever-rising cost of our military is not financially sustainable. Since 2001 this body has appropriated over $700 billion for all war-related expenses. This bill will provide an additional $70 billion in emergency funding for operations in Iraq and Afghanistan. But as we know, the Administration is asking for hundreds of billions of additional funds that this body is expected to consider in the near future.

Now more than ever it is clear that this Administration's occupation and reconstruction of Iraq has failed. The war, waged under false pretenses, has decimated Iraq. Destruction has permeated most of the country. War has taken a very heavy, very real toll. There is increasing concern that militias in Iraq are arising to meet the humanitarian needs of the Iraqi people. I have urged this body to stop this illegal war. We must honor our troops by bringing them home. I cannot support any measure that continues the illegal occupation of Iraq and continues to undercut our nation's credibility.

The greatest tragedy of this war is the 4,080 American soldiers that have been killed. Tens of thousands more have been injured. Estimates conclude that 1,000,000 innocent Iraqis have died as a result of the U.S. invasion.

Furthermore, the claimed ballistic missile threat is grossly exaggerated. Terrorists do not possess ballistic missiles and the few nation states that do have such missiles have no desire to face the retaliation of our ballistic missiles.

Accordingly, I thank the Committee for undercutting the President's request of $954 million for the European Ground-Based Mid-Course Defense (GMD) program. However, this bill still authorizes $582 million for the European GMD despite a lack of assurance that the system will work or make our national more safe. Funding for the European GMD should be removed entirely.

The Administration claims the system is necessary to defend the U.S. from a long-range ballistic missile attack from Iran. However, Iran is unlikely to pose such a threat to the United States in the foreseeable future due to the immense technical difficulties that Iran would have to overcome to create a long-range ballistic missile capable of reaching the U.S.

In fact, it is conceivable that the U.S. will have its own technical difficulties to overcome before such a system can be proven viable. The Test and Evaluation department of the Pentagon cautions that many more tests under realistic conditions would be needed before conceding our capability to shoot down an offensive missile.

The citizens of the Czech Republic and Poland clearly reject the proposed agreement. Public opinion polls in the Czech Republic and Poland reflect strong opposition to the placement of the radar and interceptors in their respective countries and strained their relations with Russia. The GMD proposal has by some accounts exacerbated U.S.-Russia relations. The U.S. has shared information but not meaningfully cooperated with Russia in these negotiations. Because the Czech Republic and Poland fall within the boundaries of former Russian influence, U.S. action with regard to the GMD have been perceived by Russia as an intrusion. There can be no doubt that U.S. efforts to impose the GMD are perceived as an obstruction to the diplomatic ties between our nations.

A total of $9.3 billion will go to the Department of Energy for nuclear weapons activities, $1.455 billion of these funds will wisely go to Nonproliferation programs and I thank my colleagues for their work to increase these programs by $208 million above the President's request. However, this still leaves roughly $7.9 billion that supports and maintains nuclear stockpiles.

The U.S. Administration has established a record of unilateralism and that undercuts our nation's credibility in the eyes of other nations. In just under eight years the U.S. Administration had backtracked on international treaties and conventions. The U.S. has rejected the Comprehensive Test Ban Treaty, refused to sign the Land Mine Treaty, withdrawn from the Anti Ballistic Missile Treaty, unsigned the Kyoto Protocol, and blocked a verification protocol for the Biological Weapons Convention. It is time for the U.S. to uphold international law. It is time for the U.S. to stand for dialogue and diplomacy. It is time for the United States to rethink our policies and set upon a new strategy of strength through peace.

Mr. SKELTON. Mr. Chairman, before I recognize the gentlelady from California, I yield 30 seconds to the gentleman from Mississippi.

Mr. TAYLOR. I thank the chairman.

I was very much in the wrong for failing to mention the great work of your committee staff, headed by Ms. Conaton, and in particular Captain Will Ebbs of the Seapower Subcommittee. Thank you for the opportunity for correcting my mistake. I do want to very much compliment the men and women of the House Armed Services Committee staff who have helped put this package together.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to my friend, the gentlelady from California (Ms. LORETTA SANCHEZ), who is also a senior member of the Armed Services Committee.

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Ms. LORETTA SANCHEZ of California. I wish to thank Chairman SKELTON for his hard work and leadership in developing this important piece of legislation.

And, Mr. Chairman, I would also like to say to the gentlemen who are retiring this year, I think just on the top row of our committee, we are probably losing collectively about 65 years of experience on this committee, and it has been my pleasure over the last 12 years to serve on this committee with you all, and you will sorely be missed and the institutional knowledge that you carry will be missed also. So we have a lot of good colleagues who are leaving the Congress this year.

This legislation provides critical support to our Armed Forces through many important initiatives. I'm proud that the legislation, for example, provides a 3.9 percent across-the-board pay raise for the members of our services. And in addition, H.R. 5658 prohibits the implementation of the President's proposals to increase health care co-pays and cost sharing for beneficiaries of the TRICARE health care and pharmacy services.

This bill also takes a step in providing for the first time ever the military preventative health care programs, which will improve the lives of our servicemembers, of our retirees, and family members. Preventative health care has been proven to improve individuals' long-term health and to provide substantial cost savings since healthier people require less medical service. And I'm very pleased that Chairwoman DAVIS proposed this innovative health care program and that it is also paid for.

This bill also includes several proposals that I sought to have included. And as the ranking woman on the Armed Services Committee, I am proud that one of these provisions establishes a centralized case-level database of information about sexual assaults that involve our servicemembers. The database will be consistent with all privacy guidelines and restrictions while tracking information about the nature of assaults and the outcome of any legal proceedings in connection with the assault.

The Acting CHAIRMAN. The time of the gentlewoman has expired.

Mr. SKELTON. Mr. Chairman, I yield the gentlewoman 30 seconds.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, this is a very important step towards ensuring accountability for sexual assaults involving our servicemembers.

I'm also very proud that per my request this bill requires the Department of Defense to conduct a study of its bandwidth needs for the near and long term. This study will help us ensure that the department has the capability to operate the advanced information technology systems that our military relies on.

I urge my colleagues to support this bill. It really is a great bill. And thank you to all of our Chair people and ranking members for having made it such a great bill.

Mr. SKELTON. Mr. Chairman, at this time I yield 5 minutes to my colleague and friend the gentleman from Texas (Mr. ORTIZ), the chairman of the Subcommittee on Readiness.

Mr. ORTIZ. Mr. Chairman, I rise in support of H.R. 5658, the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009. The bill before us today reflects our concern about the continuing decline in the readiness posture of our Armed Forces.

And I would like to thank the ranking member of my subcommittee, Mr. FORBES from Virginia, for his help in bringing together this excellent bill. He played a very key role and was very instrumental in putting the readiness and military construction bill together. I would like to say thank you for a great job.

Also, Chairman SKELTON.

And my good friend who is going to be retiring soon. DUNCAN, you and I have gone through a lot. Thank you for all the work that you've done, and we hope to continue on.

More than 6 years of continuous combat operations have strained readiness. This strain is manifesting itself in more aspects of our military forces. The bill authorizes $143 million for operation and maintenance. To address the readiness shortfalls in equipment, training, and maintenance, we have added $932 million to the Army, Navy, Air Force, Marine Corps, National Guard, and Reserve operations and maintenance accounts.

In addition, we have added funds for Army training, pre-positioned stocks, and aircraft maintenance in our authorization of the fiscal year 2009 supplemental.

In response to the Defense Department's increasing reliance on contractor services, this bill requires a comprehensive analysis of what constitutes an ''inherently governmental function.'' It requires the Office of Management and Budget to develop a single definition that may be used consistently by all Federal agencies.

The bill includes provisions to address civilians deployed in combat zones. It gives DOD authority to extend the waiver of limitations on premium pay. It also asks for a thorough review of the medical policies and treatment procedures for civilians deployed to support military operations.

To address depot workloads following equipment reset, the bill requires the Department of Defense to contract for an independent assessment of the depot capability that will be needed in the future.

The bill takes several actions related to energy and environmental policy. It authorizes $80 million for energy conservation projects and updates installation energy reporting requirements.

For military construction, base realignment, and closure and family housing in fiscal year 2009, the bill authorizes more than $24 billion.

The bill includes several provisions related to BRAC. In the time since the 2005 BRAC Commission reported its recommendations, we have seen costs increase almost 50 percent and the savings have declined. If a future administration were to request a new round of closures, the BRAC process will need to be dramatically different. As such, this year's bill repeals the BRAC Commission and the process that arrived at the 2005 decisions. At the same time, we remain steadfast to completing the 2005 BRAC round on time, by September, 2011, and have fully funded the administration's request.

To address our alarm at finding our troops in run-drown and broken barracks, the bill directs that $500 million in the fiscal year 2009 supplemental be used to arrest the declining state of military facilities.

The bill also does many good things for South Texas, which I represent. I am pleased that the replacement of the main production facility at Corpus Christi Army Depot was authorized. Corpus Christi Army Depot is the cornerstone of aviation readiness for the Department of Defense. It is vital that the current outdated facility be replaced so that dedicated employees of Corpus Christi Army Depot can continue to deliver products to the military in the most efficient and timely manner.

I support H.R. 5658, and I am proud of what this bill does to restore strength to our military. This is a very responsible bill. However, I'm disappointed that our committee adopted an amendment to provide the Department of Defense funding for the southwest border wall. I hope that in the future, defense funding will not be used to build walls.

That said, this is a good bill. The chairman of the full committee and the ranking member have done an outstanding job.

RANDY FORBES, thank you for your dedication and your input.

Mr. HUNTER. Mr. Chairman, I want to add my thanks to the great gentleman from Texas for his hard work.

Mr. Chairman, I yield 3 minutes to another gentleman from Texas (Mr. THORNBERRY), who has done a great job in working through the very difficult issues of the Terrorism Subcommittee.

Mr. THORNBERRY. Mr. Chairman, first let me express my gratitude and my admiration for those senior members of the committee who are leaving Congress, the gentleman from Alabama (Mr. EVERETT); the gentleman from New Jersey (Mr. SAXTON); and the gentleman from California, our former Chair (Mr. HUNTER), for whom this bill is appropriately named. It has certainly been an honor for me to work with and to learn from each of them over the years as they worked to protect the country's security.

Mr. Chairman, the portion of this bill produced by the Terrorism and Unconventional Threats and Capabilities Subcommittee, which has been very ably led by Chairman SMITH, I think is worthy of all Members' support. It enables the Special Operations command forces to remain on the cutting edge of our fight against terrorists with the equipment and the resources and the authorities that they need. This portion of the bill supports the research activities at DARPA and at the individual services, which are the foundation of our future military and therefore the foundation of our future security. This portion of the bill makes decisions in a host of other areas from information technology to chem-bio defense and force protection, and I think it makes good decisions.

I want to say I also appreciate particularly the comments of Chairman SKELTON regarding the importance of the inter-agency process and the efforts of him and Chairman SMITH on strategic communications. Both of those things are absolutely essential for the fight against terrorists as well as for the country's broader security.

Mr. Chairman, I think this is a good bill, and as others have said, it deserves full support in this House. I don't think you can bring a bill to the floor, however, that looks after the country's national security and particularly a portion that talks about terrorists without acknowledging that this Congress is about to go on recess without doing two of the most important things that it could do in the fight against terrorists and to protect our country's security.

It seems this week we have had time to debate a bill to pay foreigners to take care of potentially rare dogs and cats. We have had time to debate and vote on a bill to commemorate Frank Sinatra. But we have not had time this week to debate and vote on a clean supplemental that can become law that will fund the troops who are actually on the front lines of this fight. We have not had time, we have not been able to vote, on the Senate FISA modernization bill, which is absolutely essential both for the troops and for protecting us here at home.

So this is a good bill. This committee has done good work. But I think it challenges all of us in this broader fight against terrorists to do all of our work and to do all that is our responsibility to defend the country, and I hope we do.

Mr. SKELTON. Mr. Chairman, I continue to reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, at this point I would like to yield 3 minutes to the gentleman from Missouri (Mr. AKIN), ranking member of Oversight.

Mr. AKIN. Thank you, Congressman HUNTER, for yielding. Let me just take a moment to thank you also for your great leadership on this committee through the many years. What a fantastic teacher you've been to some of the newer members. I'm so thankful for your leadership, your patience.

And also the gentleman from Mr. EVERETT's district, Mr. SAXTON, great leadership.

Then I would also like to say, Chairman SKELTON, thank you very much. You make the people from Missouri proud for the way that you've continued the good tone of the committee. I think it was really a classy thing to name this bill after Congressman HUNTER, and it just shows the quality of leadership that you've provided, and so I want to thank you, Mr. Chairman, as well.

As the Subcommittee on Oversight and Investigations, Dr. SNYDER has been doing a great job. We've had a chance to look into a number of different subjects, particularly progress in the reconstruction efforts in Afghanistan and Iraq. This bill contains some of the things that we discovered particularly in the importance of Provincial Reconstruction Teams and the important work that's been done on that subcommittee.

I would just like to say that there's a lot of criticism of Congress. In fact, I think our popularity rating publicly is maybe not too good. But on the other hand, I think what the public would really like to see is they'd like to see us stop bickering and just plain solve some programs. I think this committee and the subcommittees have been largely a good example of that, and that's because of the tone of the leadership that we've seen.

As others have before, I have my opinions about how this bill could be improved, and there are several areas that I am concerned with. The first are the significant cuts to missile defense and particularly the missile defense that needs to be built in Poland and the Czech Republic. I believe that that missile defense is critical for the defense of our country from Iran and also some Western European nations from Iran.

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I think it's the wrong time to be cutting missile defense. We have just had a very successful demonstration of this technology, as we shot down a rogue satellite that had a lot of hydrazine in the fuel tank, and we were able to get rid of that threat very effectively.

So aside from missile defense, there's one other area that I am distressed about, and that is the only comprehensive major Army modernization program in the last 30 or 40 years, which we now know as Future Combat System. That has also had a number of hundred million dollars removed from it. It's something we have discussed in committee. I think it's a wrong decision. Next year, we are going to make a go or no-go on this overall program, and to be continuing to slash and cut away at that budget, I think, is counterproductive.

This said, my only other complaint is there's just not enough money in this budget to fund defense the way I wish we could. But if there are constituents who would like to see people who are just rolling up their sleeves and solving problems, all they need to do is come to the authorizing committee of the Armed Services.

Mr. SKELTON. I yield 5 minutes to my friend, the gentleman from Hawaii (Mr. ABERCROMBIE), who's also the chairman of the Subcommittee on Air and Land Forces.

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

Mr. ABERCROMBIE. Mr. Chairman, I have the honor to serve as the chairman of the Air and Land Forces Subcommittee of our Armed Services Committee. I would like first to thank my own personal archbishop, Doug Roach, and all the acolytes on the Air and Land subcommittee, the subcommittee staff. They do a terrific job working with IKE SKELTON's overall staff, led by Erin. I cannot tell you what a pleasure it is every day to be working with them in the manner in which they conduct themselves; professional, disciplined, focused, something I wish I could say about myself more often than I do.

Again, on the personal comment side, I want to thank my good friend, DUNCAN HUNTER. Always, without fail, in all these years, attentive, polite, always welcoming commentary and seeking advice. We may say farewell to you, DUNCAN, but we will not be saying goodbye.

Finally, Mr. JIM SAXTON, whom I don't see on the floor today. JIM SAXTON may have his position taken, but no one is going to replace him in this Congress. He has been my friend. He has been my mentor. I have served as a ranking member on various committees, not just here, but on other committees, as well as having the opportunity to chair. I never considered myself a ranking member or a chairman where JIM SAXTON was concerned. We were colleagues.

This bill is about balancing the capabilities and readiness of our current military forces with future required military capabilities. Our military personnel is at risk each and every day. The first priority is to make sure the men and women in uniform are properly supported by ensuring our military programs adequately support current military requirements.

We cannot short-change our personnel in Iraq and Afghanistan in their need for adequate equipment and the needs of our National Guard units here at home for what they may require to respond to potential national disasters. Promised future capabilities that have already been delayed because of overly optimistic and unmet schedules cannot subsume meeting today's demonstrated needs.

The Air and Land Forces Subcommittee's jurisdiction includes $90 billion in Army and Air Force programs. Our objective, Mr. Chairman, is clear, to ensure that our military personnel get the best available equipment as soon as it has been properly tested, equipment like armored vehicles, body armor, improvised explosive device jammers, unmanned aerial vehicles, small arms, and night vision devices.

We address key requirements: An increase in Army procurement and research of $557 million over the budget request, procurement and research where it's needed now, demonstrating the commitment of the Armed Services Committee to meeting these many needs. The Army in particular is carrying the heaviest burden of all the services in the war in which we are now engaged. This bill shifts funding to critical Army priorities now; $2.6 billion to fund sustainments costs for the tactical vehicle referred to as the MRAP, Mine Resistant Ambush Protected Vehicle, to better protect our personnel against mines and improvised explosive devices; $2.7 billion for counterimprovised explosive device programs, $949 million for Humvees, $783 million for body armor; $800 million for funding for much-needed National Guard and Reserve equipment.

Yes, we have reallocated funds in this budget where we have to meet the needs of the serving Army and Air Force today.

Fifteen C–17 strategic airlift aircraft added, at a cost of $3.9 billion dollars. It maintains the C–17 production line and sustains the strategic airlift fleet. Joint Strike Fighter competitive engine program has been funded for $526 million to provide necessary competition of two producers of engines for that program; $246 million added for systems to counter rocket and mortar attacks on our forces.

To fund these priorities, we had to make reallocation choices to fund the highest priorities. Some programs will have to make adjustments. No program is adversely compromised. On the contrary, increased accountability and increased oversight are the result.

In closing, I want to thank the distinguished chairman, all the ranking members of the full committee and the subcommittees, and may I say, Mr. SKELTON, as I close, that it is a particular pleasure and an honor to serve with you. As I stand here today, I am thinking of Suzie Skelton. I know how proud she is of you.

Mr. HUNTER. Mr. Chairman, I want to add my thanks to the gentleman from Hawaii for his excellent work, and I want to yield 3 minutes to the gentleman from Virginia (Mr. FORBES),

who is the ranking member of the Readiness Subcommittee.

Mr. FORBES. It's my pleasure to rise in strong support of this bill tonight. I also want to express my feelings about what a rare moment this is in Congress when you can have a committee like this where the members on both sides of the aisle have such friendships, where they are able to work together in a bipartisan solution to defend this country, and where they can pass a bill of this magnitude unanimously, and that is due in large measure to the leadership of our chairman, Chairman SKELTON, also to the leadership of our ranking member, DUNCAN HUNTER, and to the chairman of our Readiness subcommittee, the gentleman from Texas (Mr. ORTIZ).

We've heard a lot of people today talk about the great leadership of DUNCAN HUNTER. The truth is that we could stand here all night and we wouldn't say enough because there is and has been no greater champion for the men and women that we have in uniform and for the national defense of this country than DUNCAN HUNTER. DUNCAN, we appreciate your great work.

This is a good bill. This bill provides more than $550 million in funding above the President's request to address much-needed equipment, repairs, and maintenance that will particularly help the National Guard and the Reserves. When you add that to the additional depot maintenance provided in the bill, it's a great step towards restoring readiness.

Additionally, the bill provide $650 million to increase funding to repair aging barracks for the Army and Marine Corps. We also send a clear message that this committee and this Congress is going to fully fund and implement the 2005 Base Realignment and Closure round by the September, 2011 deadline, and we are not going to forget the communities that are impacted by BRAC, especially those that will have large increases of students because we are going to provide the new Federal education funds immediately rather than making them wait for the next year.

While so many of the provisions make this a good bill, there are two points where I think we can do better, and I hope we do so in the conference with the Senate. In the first case, this bill explicitly prohibits public-private competition for 3 years, competitions that could have saved the military billions of dollars and avoided costs which they could use for additional weapons, additional personnel, additional benefits. The government does not have a monopoly on good ideas. If a company can prove in a fair and open competition that it can do the government's work for less, that company should have the opportunity.

In the second case, there is a very well-intended provision to ensure we have world class facilities at the new Naval Medical Center in Bethesda, Maryland, and at Fort Belvoir, Virginia. Unfortunately, the more we have learned about the impact of this provision, the more I am concerned that it would result in broken construction contracts and delays that would cost the taxpayers millions of dollars in redesign and construction costs, with no tangible benefit to our servicemen and women.

With those exceptions, I am extremely proud of this bill, and I urge all my colleagues to vote ''yes'' on the bill, as it will do much to restore the readiness of our military.

Mr. SKELTON. I yield 5 minutes to my good friend, the gentleman from Arkansas (Mr. SNYDER), who's also the chairman of the Subcommittee on Oversight and Investigations.

Mr. SNYDER. Power, Mr. Chairman, is the goal of a good defense bill for this country. Every nation wants to be powerful enough to keep safe. Not every dispute, however, is resolved by military power, not every hope for the future is achieved by military power. Power is more than just military power. It's economic, diplomatic, the moral authority that a nation has.

Secretary Robert Gates, our Secretary of Defense, has done, I think, two very admirable things as Secretary of Defense. One, he has restored the confidence in the decision-making process in the Pentagon. Second, he has pointed to the broad aspects of power for this country. We are all very familiar with his speech to Kansas State back in November of last year, in which he called for dramatic increases, not in the Defense Department, but dramatic increases in the State Department, dramatic increases in budget, dramatic increases in staff.

He called for the staff and funding for the USAID, the Agency for International Development. Mr. SKELTON arranged for Secretary Gates and Secretary Rice to testify before our full Armed Services Committee on the importance of interagency communication and collaboration, not just within the Pentagon, but between the State Department and the Defense and USAID and the other agencies in the government because it is important to our national defense, to our overall concept of power, not just military power.

Well, this bill contains some provisions that deal with some of these issues. First of all, some time ago this body, the House, passed H.R. 1084, Representative SAM FARR's bill, that came out of the Foreign Affairs Committee. It deals with the whole issue of establishing a Civilian Reserve Board to deal with the fact that we sometimes need civilian employees to go into areas of instability and even of war. But we haven't been able to have the kind of personnel we wanted and the numbers in the time that we need.

So we passed this bill, but it's been hung up in the Senate by one Senator. So just by unanimous agreement of the Democrats and Republicans on the Armed Services Committee and with the consent and advocacy of Mr. BERMAN, that was included as part of this bill, unchanged from how it was passed before, and so it will now have a second chance to go to the Senate and be passed.

I am also looking forward to the fact that tomorrow, Mr. SKELTON, along with Mr. BERMAN and Ms. LOWEY, will be introducing an amendment that will establish a standing advisory panel on improving integration between the Department of Defense, Department of State, and the United States Agency for International Development on matters of national security.

I will always remember one of my constituents, a veterinarian from Arkansas, who served in both Afghanistan and then a year in Iraq. She sent me an e-mail about halfway through her year in Iraq, in which she said, and we were talking about this issue of interagency cooperation, she said, I sometimes think and feel that the differences in divisions between the agencies of the United States Government are greater than the differences between us and the Iraqis. That is saying something in terms of inhibiting our ability to have the kind of national defense we want. So I applaud Mr. BERMAN and Mr. SKELTON and Ms. LOWEY for doing this amendment.

This bill is about military families, it's about our men and women in uniform. We do a lot of things in this bill for military families in great detail. But it's also time for this country, and I hope it will occur in our Presidential debate that will be going on over the next several months, but it certainly needs to occur in this Congress and in our committee. It's time to step back and look at the big picture. What should the grand national security strategy involving all components of our power, and all the threats out there, what should the grand strategy be for this country to face and achieve over the next 5 years and 10 years and 15 and 20 years. Chairman SKELTON and I and Subcommittee Chairman AKIN and I have been talking about these issues and hope to start some efforts to look at these big pictures.

Finally, I want to commend both Chairman SKELTON, but the three Republican Members that are leaving us. DUNCAN HUNTER, who, when former Chairman Floyd Spence was ill, stepped in as the acting chairman with a great generous spirit and in a very graceful manner to take over for our beloved and ailing Floyd Spence, and then also serve with distinction as chairman, and perhaps partly because of his fine military service as a young man. Mr. EVERETT, we will be missing his contributions.

I finally want to say a word about JIM SAXTON of New Jersey because I was his ranking member when I think it was Speaker Hastert established a panel on terrorism.

□ 2045

Before there was ever a September 11, 2001, JIM SAXTON was leading a series of

classified briefings and hearings on the threat of terrorism and the threat of al Qaeda, long before any of us learned to pronounce the phrase ''al Qaeda,'' and I commend him for the work that he has done. I would just say that I think this is a great bill and applaud the work.

Mr. SKELTON. Let me add, if I may, an additional 30 seconds, Mr. Chairman. The gentleman spoke about the need to study strategy. After we passed the Goldwater-Nichols Act in 1986, I chaired a panel on professional military education that did a great deal in upgrading the Senior and Immediate War Colleges. The Senior War Colleges really are the bosom of where strategic thought, both military as well as diplomatic, is taught and is learned. Sometimes the lessons that are so plain to those in the War Colleges do not seem to be learned by others in responsible positions. That is why I think the thought of working on strategic thought itself is an excellent one, and I commend the gentleman.

Mr. HUNTER. Mr. Chairman, the last gentleman who spoke, I want to thank him for his kind words. But I am reminded that the chairman has been the guardian of professional military education and his work has been to try to make sure that our officers have a context in which they can place the activities in this very real war that many of them are engaged in in our history and to see situations that have gone before and to gain insights from that history, and I want to applaud the chairman for that.

I want to yield 3 minutes to another gentleman who has been a great worker on this committee and a leader, a guy who has moved over from the Rules Committee, finally traded up and got back to the Armed Services Committee, the gentleman from Georgia (Dr. GINGREY).

Mr. GINGREY. Mr. Chairman, I thank the gentleman for yielding, and I rise in strong support of H.R. 5658, the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009. I want to thank Chairman SKELTON, Ranking Member HUNTER, and my subcommittee chairman, NEIL ABERCROMBIE, and Ranking Member JIM SAXTON, for their tireless efforts on behalf of our soldiers, sailors, airmen and marines who continue to bravely defend us at both home and abroad.

While it is not a perfect bill, this legislation covers a wide scope of issues that are of vital importance to the armed services, both the active and reserve component, and it clearly addresses the most pressing needs of our troops in the most trying times that we face in America.

Mr. Chairman, I am pleased that the Armed Services Committee voted unanimously and on a bipartisan basis to support another program critical to our national security. Section 943 of this bill states that the Western Hemisphere Institute for Security Cooperation, WHINSEC, is one of the most effective mechanisms that the United States has to build relationships with future leaders throughout our hemisphere and influence the human rights and democracy trajectory of countries in Latin America and the Caribbean and mitigate the growing influence of non-hemispheric powers.

It is especially important to remember that WHINSEC may be the only medium we ever have to engage the future military and political leaders of Latin American countries, who are, by the way, America's closest neighbors and can serve as our closest allies. If we were not to engage with these nations, the void would be filled by countries with starkly different values than our own regarding democracy, and, yes, human rights, and I am talking about countries like Venezuela and China, whose influence in the region, as we know, is growing.

The WHINSEC school in Columbus, Georgia, at Fort Benning, the home of the infantry, was formerly part of my congressional district. I am very proud to continue to serve on the Board of Visitors of the school.

Mr. Chairman, I also want to further mention how pleased I am of the work of the committee this year to authorize funding for 20 F–22 Raptors in line with the current multiyear contract, and also to authorize the advanced procurement funds needed for a follow-on lot in 2010. The F–22 is the world's most capable fighter, and these funds go a long way towards providing stability for our forces and ensuring that America maintains air dominance for the foreseeable future.

There is so much to be proud of in this bill, and I again commend Chairman SKELTON and Ranking Member HUNTER for their efforts to keep this bill focused on the needs of the warfighter. I would also like to take this opportunity, Mr. Chairman, to recognize Ranking Member HUNTER, Air and Land Forces Subcommittee Ranking Member SAXTON, and the ranking member of the Strategic Forces Subcommittee, TERRY EVERETT of Alabama, for all their contributions, both to the Armed Services Committee and to the Congress over the years.

The Acting CHAIRMAN. The time of the gentleman from Georgia has expired.

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

Mr. GINGREY. All of these Members have been a source of wisdom and guidance to me, my colleagues on the committee and to the Nation, and they will be sorely missed.

Mrs. TAUSCHER. Mr. Chairman, I am happy to yield 2 minutes to my friend and colleague, the gentleman from Connecticut (Mr. COURTNEY), a member of the House Armed Services Committee.

Mr. COURTNEY. Mr. Chairman, I rise in strong support of the Hunter defense authorization bill, whose primary mission under the leadership of Chairman SKELTON is to restore military readiness to America's Armed Forces. As has been stated earlier this evening, the bill focuses on investing in short-term readiness, with increased commitment and investment to reset the ground troops of this country as well as the National Guard. But as Mr. HUNTER indicated in his opening remarks, it also looks over the horizon to deal with military readiness issues that are not being addressed and have been neglected for far too long.

One of those is the size of the American Navy. When the Bush administration took office in 2002, the size of America's Navy was 315 ships and submarines. It has declined to 276, and, shockingly, that number is going to in fact accelerate, because we are basically living off a legacy fleet that was built during the Reagan area.

Last year, I was proud to be part of an effort that turned around this decline. We invested $588 million in advance procurement to the Virginia class submarine program, the most successful shipbuilding program according to both the Navy and outside experts, and this year we continue that effort with Mr. HUNTER's leadership on a motion at the committee to add to the Seapower Subcommittee's $300 million advance procurement. His motion, the Hunter-Courtney amendment, added $422 million, and we are now moving the Navy's shipbuilding schedule to two submarines a year starting in 2010 with this legislation.

The industrial base is ready for this challenge. We know that from again the testimony from both Virginia and Connecticut. My district is the home of the Electric Boat, which is, again, one of the most successful shipbuilders in the country in terms of the Virginia class program. The last submarine, the USS New Hampshire, was delivered with 1 million fewer man-hours in terms of production compared to the prior submarine that they built.

This investment which this legislation represents will allow this country to again be ready for long-term challenges. The world is changing, there are new maritime forces that are growing in different parts of the world, and I strongly urge support and passage of the Hunter defense authorization bill.

Mr. HUNTER. Mr. Chairman, I thank the gentleman who just spoke for his kind remarks.

I want to yield 2 minutes to another gentleman who has come back from the Rules Committee, traded up to come back to the Armed Services Committee, the gentleman who has such a large set of military facilities in his district and pays so much attention to those facilities and to the national issue of security, the gentleman from Oklahoma (Mr. COLE).

Mr. COLE of Oklahoma. Mr. Chairman, I thank the gentleman for yielding. Let me say to the gentleman that coming back to the Armed Services Committee from Rules is as close to a resurrection experience that I expect to have on this side of the veil.

I am particularly pleased to rise in support of this legislation, H.R. 5658,

the National Defense Authorization Act, and I am particularly pleased that it is named for my good friend and our distinguished colleague, Mr. HUNTER, who served our country in so many ways, in uniform, in Congress, and certainly with great distinction and great fairness on both sides with both sides of the aisle as former chairman of our committee.

I particularly want to thank our current chairman, Mr. SKELTON, who presides so professionally with such personal integrity and so thoughtfully over this important committee, and our staff, which does great work on a bipartisan basis.

This committee really does work the way that I think most Americans wish Congress worked, and I think it sets an outstanding example that I wish others would follow.

There is very much in this bill, Mr. Chairman, that is excellent. I am particularly pleased with the increase in family support, the focus on additional barracks, the additional money in the research, development, testing, evaluation and procurement accounts, the $70 billion set aside for continuing operations in Iraq and Afghanistan, and a commitment to address the rest of the needs that our men and women in the field have. When we have forces deployed, whether we agree with the purpose or not, they should never, ever doubt our commitment to seeing that they have everything they need, fully and in a timely fashion, and this committee does its best to do that.

But there are some disappointments in this bill as well, Mr. Chairman. I am particularly disappointed, like my friend Mr. AKIN, in the cut in the Future Combat System funding of $233 billion from the request that the President sent forward. We are going to regret that on some battlefield in some dangerous place at some point in the future. I am particularly disappointed that we did not in a serious fashion deal with Mr. SAXTON's amendment that was offered.

The Acting CHAIRMAN. The time of the gentleman has expired.

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

Mr. COLE of Oklahoma. I thank the gentleman.

Mr. Chairman, I am particularly disappointed that we did not deal in a serious fashion in my opinion with Mr. SAXTON's amendment, which would have set a baseline of 4 percent of our GNP for future military funding. That is something we know we need to do. We know in this committee on a bipartisan basis that we spend too little. That is a mistake we have made on both sides of the aisle. It is a bipartisan mistake.

We cut far too much during the 1990s. History teaches us and our chairman often appropriately lectures us that contingencies will come that we do not understand and do not anticipate, and we know from the bitter lessons of history that if we have not prepared through sustained investment in our military, we can never make up lost ground with hasty and ill-thought out appropriations in the short-term. I wish we had done that. I hope we will do that in the amendment process.

But, Mr. Chairman, the perfect cannot be the enemy of the good, and this bill is very, very good and is a product of genuine bipartisan cooperation. So I am very proud to support it and very proud to urge other Members of the Congress to vote for it.

Mrs. TAUSCHER. Mr. Chairman, at this time I yield 1 minute to my friend and colleague, the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. Mr. Chairman, I want to take this minute to highlight one particular provision of this bill that is very important to me.

Like many Americans last year, I was outraged to learn that the Pentagon was denying combat wounded veterans their enlistment bonuses, apparently in the belief that they had not fulfilled their obligations to the military because they had been wounded in service to this country. Well, like most people in this House, I think that if you have been injured in service to this country, you have done more than we ever could have asked you to do. You have borne every burden and you have fulfilled your obligation.

So I introduced the Veterans Guaranteed Bonus Act to ensure that every combat wounded veteran gets the enlistment bonus that they deserve. That legislation has been included in its entirety in this legislation that we are passing today. I thank Chairman SKELTON for including it in the bill, and I encourage my colleagues to support it to remedy this grave injustice.

Mr. HUNTER. Mr. Chairman, I would like to yield 3 minutes to the distinguished gentleman from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. Thank you, Mr. HUNTER.

You know, Mr. Chairman, there has been a lot said tonight about DUNCAN HUNTER. I guess the only thing I can add is simply to repeat that this man served his country in Vietnam as an Army Ranger. He served 26 years in this House, part of the time in the majority, served as chairman of the Armed Services Committee, and has now served a total of 28 years in this Congress. His entire life has been about service to this country and the cause of human freedom, and I truly believe that future generations will have a greater hope to live in freedom because this man lived, and I salute him with all of my heart.

Mr. Chairman, I also support this bill. I only rise to associate some of my feelings with those expressed by TERRY EVERETT, the ranking member of the Strategic Forces Subcommittee, when he was concerned that the amendments that he offered to raise and restore some of the missile defense cuts in the mark had not taken place.

He was especially concerned about the European site, the money that was cut there, that it sends a message to Poland and other places like that that are already in a very, very dangerous position politically and in such a delicate situation that they may in fact lose the project because of the message that we send to them.

□ 2100

I believe it is very important that we realize that the missile defense site in Poland is not just about missile defense, it is about devaluing an entire nuclear missile program in the hands of an Iranian nation.

Mr. Chairman, the very first purpose of this government is to defend its citizens in peace, and I believe one of the greatest threats to human peace in the world is a nuclear Iran.

In spite of what we have heard in the media, Iran continues to enrich uranium which could give them an atomic bomb in less than 3 years. The IAEA has reported that in the 9-month period between February and November of 2007, the number of centrifuges enriching uranium operating at its Natanz enrichment facility tripled from 1,000 to now approximately 3,000 centrifuges.

The Director of National Intelligence, Mike McConnell, earlier this year said to the Senate Intelligence Committee that he concurred with the Israeli intelligence report stating that this many centrifuges operating continuously would produce enough fissile material for a nuclear weapon in less than 2 years. We now know that Iran is increasing its number of operational centrifuges from 3,000 to 9,000. Moreover, Mr. Chairman, Iran is now beginning to manufacture its own centrifuge, the IR2, which improves on the advanced P2 centrifuge that was used in Pakistan to build its existing nuclear arsenal. It is capable of producing enriched uranium two to three times faster than the older models.

The Acting CHAIRMAN. The time of the gentleman has expired.

Mr. HUNTER. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. FRANKS of Arizona. Mr. Chairman, some of the most dangerous and lethal weapons our soldiers are facing in Iraq right now are there because Iran gave it to them. Osama bin Laden said: It is our religious duty to gain nuclear weapons.

If Iran is allowed to proliferate nuclear weapons into the hands of terrorists, any sense or concept of peace that we have experienced in this country so far could be gone in a blinding flash in the center of one of our major cities, maybe even in Washington, DC. And yet this majority has prevented us from voting on a military contingency plan to prevent Iran from gaining this deadly capability.

Mr. Chairman, very simply, the highway of history is littered with the dangers of strategic ambiguity, and I believe our best hope of preventing a nuclear Iran is to help them understand that we are prepared to do whatever is necessary, including a military contingency, if they continue to pursue their nuclear capability.

I hope that our children are not faced with the consequences of that strategic ambiguity. We need to be very, very clear. We need to vote on the amendment to improve this bill tomorrow.

Mrs. TAUSCHER. Mr. Chairman, at this time I am happy to yield 2 minutes to my friend and colleague from Massachusetts (Ms. TSONGAS), a new member of the Armed Services Committee.

Ms. TSONGAS. Mr. Chairman, I rise today in strong support of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009. I want to thank Chairman SKELTON and Ranking Member HUNTER for their leadership on this legislation. As a new member of the House and of the committee, it has been a pleasure participating in the bipartisan and respectful process that both of you have created.

H.R. 5658 addresses our immediate readiness challenges while maintaining our commitment to modernization that will keep our country safe and deter threats in the future.

We are all in agreement that operations in Iraq and Afghanistan are having a severe impact on our readiness. This legislation puts us on track to restore our readiness and our capability to respond to emerging threats around the world. It also increases our capabilities in Afghanistan by providing performance standards for Provincial Reconstruction Teams, training and equipping the Afghan National Security Forces, and increasing the Commanders Emergency Response Fund. And this bill takes significant strides to improve the quality of life for our men and women in uniform and their families. H.R. 5658 includes a 3.9 percent pay increase. It rejects on a bipartisan basis the proposed increases in TRICARE fees and copays.

Finally, I appreciate that the committee included a provision that I have advocated for that would give flexibility to the Department of Defense to increase the loan repayment amount for medical personnel in the National Guard and Reserve.

Mr. Chairman, as my colleagues on the Armed Services Committee have stated, this is a good bill. It addresses the readiness needs of our military, keeps us on track for modernization to meet future threats, and takes care of our military personnel and their families. I urge my colleagues to support this bill.

Mr. FRANKS of Arizona. Mr. Chairman, I now yield 3 minutes to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Mr. Chairman, I also want to add my congratulations and words of appreciation to our chairman and ranking member for the terrific job they did on this year's defense authorization act.

The members of our Armed Forces, whether during times of war or peace, deserve the wholehearted support and moral and financial commitment and support from its citizens and its government. I believe this support from this committee of our men and women in uniform is undeniable. This bill does support the national defense mission, the individual servicemember, and the military family. However, it is not complete. We are continually increasing the demands of this voluntary force, but our budget does not provide the needed resources for the military with a growing responsibility and mission.

Some of these shortcomings includes cuts to future combat systems, cuts to anti-missile defense systems, and the Marines are getting cuts in the Expeditionary Fighting Vehicle. This vehicle would replace the aging 38-year-old Amphibious Assault Vehicle that they currently rely on in getting from their ships to the shore and exposes our Navy to unnecessary risks, and I am concerned about these cuts.

But there are a lot of things to be in favor of in this bill. With respect to SOCOM, these warfighters, as you know, operate throughout the globe conducting missions that most of us will never hear about but are absolutely essential and critical to defend against the unconventional threats and preventing additional threats and crises around the globe.

We support these warfighters, these magnificent warfighters by fully funding their requirements. In addition, we added some $186 million to provide for their unfunded requirements that they have on those lists for surveillance capabilities and personnel protection gear. We also authorized 26 human terrain teams that they have requested, and supports our National Guard with some $800 million in additional money for equipment.

With respect to our troops and their family welfare, we are in complete agreement that the individual marine, sailor, soldier, and airman is our most valuable national security asset. They stand between this Nation and those who wish to do us harm and, along with their families, sacrifice daily in defense of this Nation and our freedoms. This bill reflects our commitment and responsibility to ensure that they are taken care of. We are giving them a 3.9 percent pay raise, some $650 million to improve barracks, and the elimination of all temporary barracks between now and 2015.

We are going to add to their force, to their numbers so that they can spread their responsibilities across a greater number of soldiers and marines. We are re-equipping and resetting these forces with additional funding provided for unfunded readiness initiatives, for training shortfalls within the Army and Marine Corps. In addition we are providing gear in the field to be used immediately with MRAPs, additional body armor, and up-armored Humvees.

Mr. Chairman, while we may disagree with how these assets, tools, and, most importantly, this personnel are used, there should be no disagreement that we should provide this Nation with the personnel, assets, and tools to protect this country with overwhelming force to counter any and all threats. This bill moves us toward that goal, and I urge my colleagues to support this bill.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to my friend, the gentlelady from New Hampshire (Ms. SHEA-PORTER), who is also a member of our Armed Services Committee.

Ms. SHEA-PORTER. I rise today in support of this bill, and I thank Chairman SKELTON and Ranking Member HUNTER for bringing it to the floor and for their great work. I want to also thank Chairman ORTIZ and Chairwoman DAVIS for their work during the subcommittee markup and the committee staff for their hard work throughout the process.

Mr. Chairman, this is an excellent bill that will have a tremendous impact on our servicemembers and their families, and I am proud to support it. As a former military spouse, I know how much our troops and their families depend on the strong support from Congress.

In this year's bill, we grow the military, adding 7,000 soldiers, 5,000 marines, 1,000 sailors, and 450 airmen to take the pressure off the current military. We add a 3.9 percent pay increase and increase existing bonuses. We provide nearly $25 billion for the defense health program without increasing TRICARE fees. We increase benefits for Guardsmen and Reservists as well. These actions are the way that we show that we do support the troops and their families, and this is the way we thank them for their service.

We designate money to keep F–22 fighters and C–17s rolling off the production line. These two programs are vital to our Air Force. We add a second Virginia class sub and the resources in our shipyard system to maintain them. We include more than $12 million for cold weather clothing systems that keep our men and women warm in the mountains of Afghanistan. In this year's bill we provide our Army aviation assets with advanced self-protection systems that keep our soldiers safe in harm's way.

We also fund programs at home, like the Swimmer Detection Network that protects our Los Angeles and Virginia class submarines at Portsmouth Naval Shipyard in my district. We fund military construction projects at our shipyards and depots that are vital to our Nation's defenses, and we add billions for housing at our bases that ensure our servicemembers and their families are safe and comfortable.

I am proud that we worked together in a truly bipartisan manner to produce this bill that cares for our soldiers, sailors, airmen, and marines and their families. I urge the House to pass this bill.

Mr. FRANKS of Arizona. Mr. Chairman, I now yield 3 minutes to the gentleman from Virginia (Mr. WITTMAN).

Mr. WITTMAN of Virginia. Mr. Chairman, I rise in strong support of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009,

and I would like to thank Chairman SKELTON and Ranking Member HUNTER for their extraordinary leadership and their bipartisan manner in which this bill was crafted, and also would like to recognize Ranking Member HUNTER's extraordinary legacy of leadership as he leaves us as his duty on this committee expires.

I would like to take a moment to highlight some of the important aspects of this bill. Nothing is more vital to our Nation's forward presence and security than the aircraft carrier, and it remains unacceptable to allow the total number of aircraft carriers to diminish.

Maintaining the statutory requirement of 11 aircraft carriers is essential to maintaining our superiority on the high seas, and we must continue to develop the industrial base and promote shipbuilding to establish a floor, not a ceiling, of 313 ships in our Navy. I urge support for this important aspect of this bill.

I would also like to take a moment to discuss the importance of directed energy and electromagnetic weapons systems, a top priority of the Chief of Naval Operations' unfunded priority list. Increased funding for this research, development, testing, and evaluation will accelerate the installation and deployment of critical ship self-defense improvements. The weapons systems we are developing through this directed energy program will counter rockets, artillery, mortar, and unmanned aerial vehicles for ship and expeditionary base defense, and will ensure the safety of our fighting men and women. Such funding promotes Navy objectives, and the development of directed energy weapons will provide unique capability against emerging asymmetric threats, thereby increasing our Nation's effectiveness on the global war on terror.

Lastly, I would like to discuss the importance of basing our defense budget on 4 percent of GDP, and I hope that we are able to address this in the future as that is one important part of this bill that is lacking.

I would also like to talk about the importance of submarines in our national defense. Assessing the feasibility and cost of actions to maximize the service life and number of Los Angeles class submarines and assessing the attack submarine force structure requirement in the 2009 Quadrennial Defense Review and basing such an assessment on combatant commander requirements are important aspects of this bill. Submarines have been a central component of our naval forces for over a century, and today the submarine helps our Navy conduct numerous operations around the world. Our national defense demands that we have a strong and capable naval fleet, and we must maximize the use of the very capable Los Angeles class submarine and base our force structure on what commanders in the field and on the seas need to accomplish their diverse joint missions. We must keep our number of submarines high, and this aspect of the bill would be a positive step in strengthening our Nation's fighting forces.

I am honored to do my role in supporting the men, women, and equipment of our Nation's military.

The Acting CHAIRMAN. The time of the gentleman has expired.

Mr. FRANKS of Arizona. I yield the gentleman 1 additional minute.

Mr. WITTMAN of Virginia. Our military should be able to meet its operational requirements at all priority levels, and I request your support on these important aspects of this bill.

Mr. SKELTON. I yield 2 minutes to my good friend, the gentlelady from California (Mrs. CAPPS) for the purposes of a colloquy.

Mrs. CAPPS. I thank the gentleman.

Mr. Chairman, I rise to ask for your assistance to help alleviate the shortage of qualified and experienced nurse instructors in the United States, including in the military. Right now, we are told that the limiting factor in increasing the number of nurses to try to head off the looming nurse shortage is the number of faculty available in our nursing schools.

Mr. SKELTON. I thank the gentlelady for raising this very important issue, and assure the gentlelady that I certainly share her concerns. The Department of Defense is facing the same shortage of nurses as we are across the Nation. However, the need for the Department is more directly felt as we are at war, and our military nurses are caring for our wounded and injured in addition to all their other duties.

□ 2115

Let me say to the gentlelady that we have taken serious, substantive steps to increase the number of nurses, both in the military and in the civilian community. In this bill we have mandated the establishment of a Department of Defense School of Nursing, following the successful models of the Uniformed Services University of Health Sciences to produce medical doctors, the Interservice Physician Assistant Program to produce physician assistants for the military, and the Army's new School of Social Work, which will enroll its first class this summer.

Although the graduates of the Department of Defense School of Nursing will initially provide much needed care for our troops, I'm confident that following their military service they will continue to serve our Nation as nurses in civilian communities.

Finally, we've included a demonstration project to encourage retired military nurses to become faculty members at civilian schools of nursing to help alleviate the nurse instructor shortage of which you speak.

Mrs. CAPPS. I want to thank the chairman for his excellent leadership in improving health care for our servicemen and women, and especially appreciate his inclusion of a demonstration project in the National Defense Authorization Act.

The Acting CHAIRMAN. The time of the gentlewoman from California has expired.

Mr. SKELTON. I yield the gentlewoman an additional 30 seconds.

Mrs. CAPPS. Like you, I feel that military nurses are especially equipped to take on the leadership role required of a nurse instructor. We need to ensure that we meet our mutual goal of increasing the capacity of colleges of nursing in order to graduate more nurses who can fill current vacancies that are widespread, both in the military and civilian sectors. I believe that this type of program can be a model for other programs to alleviate shortage of nurse faculty, and would ask the chairman to keep an open mind to other approaches to alleviating the nursing shortage. And I appreciate the urgency created during a time of war.

Mr. SKELTON. Let me assure the gentlelady that we look forward to the results of the demonstration project, and I'm always open of course to practical approaches to address the military nursing shortage.

Mrs. CAPPS. I thank the esteemed chairman for his efforts.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to my friend, the gentleman from North Carolina (Mr. ETHERIDGE) for the purposes of a colloquy.

Mr. ETHERIDGE. Chairman SKELTON, let me thank you for your friendship and for your extraordinary leadership on the Committee on Armed Services. I appreciate your willingness to engage me in the important topic of suicide prevention in our military forces.

As you know, earlier this year, my constituent, Master Sergeant (retired) Christopher Scheuerman, testified before the Subcommittee on Military Personnel about the tragic circumstances surrounding the suicide of his son, Private First Class Jason Drew Scheuerman. Jason was deployed with the 3rd Infantry Division at Forward Operating Base Normandy in Iraq, and died from a self-inflicted gunshot wound from his M16 rifle. Jason showed clear signs of mental distress, but the system failed Jason.

Recent reports indicate the Army suicide rate is the highest in 26 years of record keeping. While there are many outstanding mental health professionals in the Army system, the command structure creates an inherent conflict of interest and a lack of independent objectivity.

Servicemembers are currently allowed a second civilian opinion, but often find it nearly impossible to access an outside mental health provider. I appreciate the fact that this bill addresses the issue of suicide prevention by directing the Secretary to consider how the military can make a second opinion more accessible, including the possibility of providing a second medical evaluation in combat theater by

telephonic evaluation. I know that that is a somewhat controversial suggestion, but we must find a way to stop preventable suicides like Jason Scheuerman. We owe our servicemen and women no less.

Mr. Chairman, I would like to continue to work with you, Chairwoman DAVIS and Ranking Member MCHUGH on this important issue, and I hope that the Secretary will undertake this study immediately so that it is possible for our troubled servicemembers to obtain a second civilian health opinion.

Mr. SKELTON. I thank the gentleman for raising this very important issue. The Department of Defense has made many improvements to its suicide prevention programs, but more can be done. I look forward to working with the gentleman.

Mr. ETHERIDGE. I thank the gentleman for his time and help.

Mr. HUNTER. Mr. Chairman, we have, I believe, no more speakers left, so at this time let me just say that our ranking members and our chairmen have covered the waterfront of what this bill does. They've taken it from personnel, the pay raise that the chairman started off talking about, the 3.9 percent pay raise, the end strength increases in the Army and Marine Corps, the quality of life increases that we've delivered to our people in uniform, to the equipment side, to the force protection that we are sending additional to Afghanistan and to Iraq, MRAPs, extra armor capability, extra technical capability to be able to defend our forces and help them accomplish the mission, to the modernization side, the platforms that we are building with the modernization part of this budget, to the readiness part of this budget, which is so critical to ongoing operations, and to some of the technical aspects of the budget that I think the Strategic Subcommittee spoke to so effectively, including the programs that involve space, involve missile defense. And so, Mr. Chairman, I think we've described the bill fairly effectively.

And I think also we've described the people. At least I want to make sure we understand how wonderful the people are who put this bill together, not only the ranking members and the chairmen of the subcommittee and our great chairman of the full committee, Ike Skelton, the man from Missouri, but also the wonderful staff that we have that's worked long hours to put together what is a very large bill, in many cases, very technical, and yet they did it with great precision, and we owe them a debt of gratitude.

Let me just say in my closing seconds here, Mr. Chairman, that I talked about the horizon that I think we face in terms of military challenges. I think that part of that horizon must require a focus on China. The fact that China is now outbuilding the U.S. in submarines by more than 3–1, with their acquisitions from the Russians, it's much more. They're acquiring great technical capability, and they are building an industrial base that, in many areas, such as building warships, could outstrip the United States very quickly in production.

And just as our great chairman mentioned, that it takes more than just a military to win wars and to carry out foreign policy, it's going to take some changes in policy to maintain the United States as a premier military force in the world. Some of those changes are going to require changes in our tax law, in our tariff law that will allow our industrial base to stay in the United States, that will stop these companies that are key to national security who are being advised right now by their financial advisors to move their production offshore, changes in our law that will cause them to stay in the United States, because the environment, the business environment in the United States and the tax environment will be such that they will not be induced to move offshore.

Also, with respect to the hemorrhage of technical information which is going on with the acquisition of American companies on a very selected basis by companies and by nations that are targeting American military technology. This committee has moved toward stopping that hemorrhage by adopting several important provisions with respect to security, site security at companies that do classified information. But there's much more work to be done there, and I know that the committee is moving in that direction and undertaking a great strides in that direction. But that's a direction that's going to require the participation of the entire body, Mr. Chairman, in fact, the entire government. So we have a big challenge ahead of us.

Again, I want to thank the chairman for putting together a bill that passed unanimously out of the Armed Services Committee, and should pass unanimously off the House floor. So once again, a job well done to the gentleman from Missouri.

I would yield back the balance of my time.

The Acting CHAIRMAN. The gentleman from Missouri is advised that he has 1 minute remaining.

Mr. SKELTON. I thank the gentleman from California. And I must add that this is properly named for Duncan Hunter in honor of the hard work that you've done through the years. Thank you.

When you put a bill together like this that's $531 billion of taxpayer money for national security, there are unseen hands that have helped glue this together bit by bit and part by part. And that's the unsung but very valuable and absolutely terrific staff of the Armed Services Committee under the direction of Erin Conaton, and I particularly wish to complement her on her hard work. Everyone on this staff is outstanding and an expert in his or her field, and I want them to know that they are appreciated, and that we're very grateful for their work.

This will close out the general debate on this bill. It's an excellent bill, and I think that in truth and fact it has made a great stride toward increasing the readiness of our troops. People in the country should take a great deal of comfort in knowing that there's such bipartisanship on this committee. So I thank the gentleman from California.

I am very, very proud of the members of this committee, the Armed Services Committee.

Mr. ETHERIDGE. Mr. Chairman, I rise today in support of H.R. 5658, the National Defense Authorization Act for Fiscal Year 2009. This legislation authorizes $601.4 billion for defense programs in FY 2009, including $70 billion in emergency funds authorized specifically to support operations in Iraq and Afghanistan. This is funding that is critical to our nation's defense, as well as to the troops serving so valiantly in the wars being waged on two fronts.

Thanks in a large part to the leadership of Chairman SKELTON, this legislation provides greater funding than had been requested by the President for equipment depleted by the war in Iraq, including new combat vehicles, new battle gear for the Army National Guard and reserves, military pay raises, and shipbuilding.

H.R. 5658 authorizes $25.4 billion for defense health-care programs, and blocks the president's plan to raise user fees for programs such as Tricare and deductibles for service members and military retirees. This legislation will also authorize an increase of 7,000 active-duty Army personnel, and provide for 5,000 more Marine Corps personnel than current levels.

This legislation also provides for a 3.5 percent pay raise for active duty military, rolls back proposed benefit reductions to spousal benefits, and increases funding for military housing upgraded for bases like Fort Bragg, North Carolina, located in my district.

Mr. Chairman this is a good bill for our troops. It is our duty, our charge as members of this body, to ensure that those who protect and defend our nation in this all-volunteer army receive the best health care, pay, and living conditions that we can provide for them. We owe this to them.

I support this legislation and I would urge my colleagues to do the same.

Mr. MANZULLO. Mr. Chairman, I would like to thank my colleagues on the House Armed Services Committee, specifically my good friend, Representative DUNCAN HUNTER of California, for including a provision in the Fiscal Year 2009 Defense Authorization bill that finally provides for consideration of our Nation's defense industrial base when contracting officials evaluate major Federal defense contract proposals.

Few people are aware that the Pentagon is prevented by law from including defense industrial base considerations when deciding to award a major defense contract. A contract award determination is made primarily by examining which party has the ''best value'' in terms of price, quality, quantity, and delivery. However, how many jobs a particular contract would produce or retain in America or how many suppliers would be able to stay in business in America because of a particular contract is currently not part of the ''best value'' evaluation by the Pentagon. Most believe that

the Buy American Act protects the interests of American workers. However, because of a series of Memorandums of Understanding, MOUs, signed years ago between the Pentagon and other foreign defense agencies, a product can be made completely in Europe and be considered as if made in America and thus compliant with the Buy American Act. In return, U.S. defense articles are supposed to be considered by European procurement officials on the same grounds as European products. However, Europe protected its economic interests in these agreements by including European defense industrial base protections as one criterion in their source selection process. This didn't used to be a problem in the past. However, with the consolidation of major prime defense contractors in the United States and the relatively recent creation of the European Aeronautic Defense and Space Company, EADS, there has been more and more conflict in major U.S. defense procurements.

Section 805 of H.R. 5658 seeks to copy Europe's example. It simply allows the Pentagon to consider impacts on the U.S. industrial base during source selection for major defense acquisition programs. This section also authorizes defense acquisition officials to impose penalties on a contractor who misleads the Government regarding potential domestic industrial base impacts.

The bill also asks the Secretary of Defense to notify congressional defense committees at least 30 days before requesting a proposal for any major defense acquisition program that will not use a domestic industrial base evaluation factor during the source selection process. It also includes second and third level suppliers as part of the defense industrial base because the health of this sector of the economy cannot be measured solely by looking at the stock price of the large prime defense contractors.

As someone who voted for every free trade agreement since being elected to Congress in 1992, this section is not protectionism. Back in 1776, Adam Smith argued in his celebrated "Wealth of Nations"; that "(i)t is of importance that the kingdom should depend as little as possible upon its neighbors for the manufactures necessary for its defense.'' He supported a bounty—or a tax—on the export of British sailcloth and gunpowder to prevent other nations and potential enemies from benefiting from Great Britain's advantage in these products. If the founder of modern-day capitalism and free trade supported an exception to the free flow of trade in defense goods, then domestic sourcing preferences to protect our national security and defense industrial base must be considered consistent with the very foundation of free trade and capitalism.

Congress has a duty to be concerned with our nation's ability to build the weapons and equipment necessary to defend itself. Any argument founded merely on shopping for the best value without considering the larger defense industrial base will leave our great nation exposed and vulnerable. A nation that cannot produce the materials necessary for its defense will eventually become a second-rate power.

Now, some analysts have argued that we should not press for more domestic sourcing of defense articles because Europe and other nations buy more U.S. defense technology that we buy from them. These statistics, however, fail to account for the offsets in defense sales required by other governments, including our friends in Europe.

According to a 2007 report entitled Offsets in Defense Trade prepared by the Bureau of Industry and Security of the Department of Commerce, over 98 percent of all U.S. defense sales to Europe were "offset" from 1993 to 2006. In other words, for every dollar a European government spent on U.S. defense equipment, the U.S. prime defense contractors had to provide 98 cents in industrial compensation arrangements to that government. These compensation arrangements range from requiring re-locating a share of the production of that defense item to that country to marketing that country's goods in the United States. However, the United States is prohibited by law to require of a foreign defense contractor to "offset" part of the cost of the proposed acquisition. thus, our two-way defense trade with Europe is already heavily weighted in their favor.

Finally, Section 805 of H.R. 5658 will not launch a trade war because there have been several occasions in the past when European governments refused to buy from American companies because of their own defense industrial base concerns. In 2003, Pratt & Whitney lost a bid to EuroProp International (EPI) to supply the engine for the A400M European military troop transport plane despite the fact that their initial bid was 20 percent lower, they had a higher quality engine, and they committed to build a new assembly line in Europe and include 75 percent European content in the engine. According to the Financial Times on June 13, 2003, Airbus effectively declared Pratt & Whitney the winner until European governments intervened and promised financial support to EPI so it could drop its price and clinch the deal with a redesigned engine in order to keep all the work in Europe.

Similarly, in 2003, when Italy wanted to build a new fleet of search and rescue helicopters, Skirosky and MD Helicopters were interested in bidding on the contract but were not even given the opportunity. The Italian government decided instead to award the contract without any competition to their national helicopter company—Augusta/Westland—on the grounds of "homeland security.''

Mr. Chairman, encouraging the Pentagon to consider the defense industrial base as one factor in their contract decision-making process will help us safeguard over the long-term the knowledge and innovation that make our defense industry the best in the world. I urge my colleagues to support H.R. 5658 and, in particular, Section 805, throughout the legislative process.

Mr. SKELTON. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. All time for general debate has expired.

Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MURPHY of Connecticut) having assumed the chair, Mr. ELLISON, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5658) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes, had come to no resolution thereon.

NATIONAL PUBLIC WORKS WEEK

The SPEAKER pro tempore (Mr. ELLISON). The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1137.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and agree to the resolution, H. Res. 1137.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR THE DISTRICT OF COLUMBIA SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 309.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 309.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

□ 2130

MOTORCYCLE SAFETY AWARENESS MONTH

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 339, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and agree to the resolution, H. Res. 339, as amended.

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

A motion to reconsider was laid on the table.

RECOGNIZING THE IMPORTANCE OF BICYCLING IN TRANSPORTATION AND RECREATION

The SPEAKER pro tempore. The unfinished business is the question on

suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 305.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 305.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

LET OUR VETERANS REST IN PEACE ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 3480, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 3480, as amended.

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

The title was amended so as to read: ''A bill to direct the United States Sentencing Commission to assure appropriate punishment enhancements for those involved in receiving stolen property where that property consists of grave markers of veterans, and for other purposes.''.

A motion to reconsider was laid on the table.

MAKING TECHNICAL CORRECTIONS TO PROVISION GRANTING SPECIAL IMMIGRANT STATUS FOR CERTAIN IRAQIS

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the Senate bill, S. 2829.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the Senate bill, S. 2829.

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

A motion to reconsider was laid on the table.

EXTENDING PROGRAM RELATING TO WAIVER OF FOREIGN COUNTRY RESIDENCE REQUIREMENT WITH RESPECT TO INTERNATIONAL MEDICAL GRADUATES

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 5571, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 5571, as amended.

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

The title was amended so as to read: ''A bill to extend for 5 years the program relating to waiver of the foreign country residence requirement with respect to international medical graduates, and for other purposes.''.

A motion to reconsider was laid on the table.

NATIONAL AUTISM AWARENESS MONTH

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1106.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. WYNN) that the House suspend the rules and agree to the resolution, H. Res. 1106.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 5658, DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

Mr. MCGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 110–666) on the resolution (H. Res. 1218) providing for further consideration of the bill (H.R. 5658) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes, which was referred to the House Calendar and ordered to be printed.

SENSE OF HOUSE REGARDING ESTABLISHMENT OF A NATIONAL BRAIN TUMOR AWARENESS MONTH

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1124, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Illinois (Ms. SCHAKOWSKY) that the House suspend the rules and agree to the resolution, H. Res. 1124, as amended.

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

A motion to reconsider was laid on the table.

REDUCING MATERNAL MORTALITY BOTH AT HOME AND ABROAD

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1022, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Illinois (Ms. SCHAKOWSKY) that the House suspend the rules and agree to the resolution, H. Res. 1022, as amended.

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

A motion to reconsider was laid on the table.

SENSE OF CONGRESS REGARDING ESTABLISHMENT OF A BEBE MOORE CAMPBELL NATIONAL MINORITY MENTAL HEALTH AWARENESS MONTH

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 134, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. WYNN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 134, as amended.

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

A motion to reconsider was laid on the table.

NATIONAL OSTEOPOROSIS AWARENESS AND PREVENTION MONTH

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 369, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Illinois (Ms. SCHAKOWSKY) that the House suspend the rules and agree to the resolution, H. Res. 369, as amended.

The question was taken; and (two-thirds being in the affirmative) the

rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

VETERANS PAIN CARE ACT

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

Mr. WALZ of Minnesota. Mr. Speaker, today I rise because I am introducing the Veterans Pain Care Act of 2008. This bill will require the Secretary of the VA to develop and implement a comprehensive policy on pain management for veterans enrolled in the VA health care system and to carry out a program of research, training and education on acute and chronic pain.

Modern warfare leads to serious, but survivable, injuries. While advances in medical technology have saved lives, many of our wounded soldiers have been afflicted by acute and chronic pain. Pain is a leading cause of disability among veterans. As a result, providing adequate pain management is a crucial component to improving veterans' welfare.

The Department of Veteran Affairs has pain care programs, but a comprehensive plan isn't consistently enforced across the system. My legislation will give the VA the necessary tools to serve the needs of our veterans.

This bill has the support of a wide range of organizations. I would like to enter into the RECORD a letter of support from 50 organizations in the Pain Care Coalition.

The Senate companion to this bill has the support of both the chairman and the ranking member of the Senate Veterans' Affairs Committee. I am hopeful that this will garner bipartisan support for this legislation in the House and be passed to support our veterans.

PAIN CARE COALITION,
Washington, DC, May 15, 2008.

Re Veterans Pain Care Act of 2008

Hon. TIM WALZ,
House of Representatives, Longworth House Office building, Washington, DC.

DEAR CONGRESSMAN WALZ: The Pain Care Coalition applauds your leadership in championing the Veterans Pain Care Act. We enthusiastically support the measure, and pledge the assistance of our organizations as you move the bill forward in the House. As your bill mirrors bi-partisan legislation under consideration in the Senate, and complements a DoD pain care initiative included in the House FY 2009 Defense Authorization bill, we are optimistic that it will receive wide support.

Pain is a huge public health problem for veterans. Virtually every service member injured in current and past conflicts experienced acute pain at the time of injury. Many others suffered acute pain in connection with non-combat related injury or disease. For too many, the acute pain progresses to a chronic pain condition that threatens the veteran's basic quality of life. These same chronic pain conditions can be cost ''drivers'' in VA health and disability systems. With prompt and aggressive treatment, much acute pain can be alleviated, and much chronic pain avoided or managed.

The Department of Veterans Affairs is doing much to provide good pain care and advance important pain research, but much, much more remains to be done. Your bill will make pain care a national priority within the VA health care programs. Millions of veterans who have served our country deserve no less.

Respectfully submitted,

RICHARD ROSENQUIST,
Chair.

CONSENSUS STATEMENT SUPPORTING THE CONGRESSIONAL MILITARY PAIN BILL AND THE VETERANS PAIN BILL

Acute and chronic pain afflicts both military personnel and veterans in proportions far exceeding the general population. Pain is the leading cause of disability among veterans. Characteristics of modern warfare produce serious, but survivable, injuries to the central and peripheral nervous systems that inflict terrible acute pain and lead to chronic pain in many cases. Providing adequate pain management is a crucial component to improving military and veteran health care. A growing number of wounded veterans are experiencing long-term problems with chronic pain; left untreated, pain can have life-long consequences.

As members of organizations dedicated to improving the lives of veterans and military personnel and organizations dedicated to improving the quality of pain management, the undersigned organizations support and urge passage of legislation to improve pain care for active duty military and veterans. In particular we support legislation which:

Requires Uniformed Service Secretaries to implement a comprehensive pain care initiative to require prompt assessment and reassessment of pain in all health setting; emphasizes assessment, diagnosis, treatment & management of pain as an integral part of military health care; and deploys acute pain services to all combat support hospitals and, where feasible, on the battlefield.

Requires Tricare plans to provide pain care services that ensure appropriate assessment, diagnosis, treatment and management of acute and chronic pain and provide comprehensive interdisciplinary services for hard to treat chronic pain patients.

Requires the Department of Veterans Affairs to implement in VA health facilities and programs a pain care initiative comparable to that required for DOD programs.

Requires the VA to increase its research effort in the areas of acute and chronic pain, including identifying priority research areas most relevant to veterans.

Requires the VA to emphasize education and training of VA personnel in pain management.

Establishes cooperative research center for acute and chronic pain, including one with a special focus on central and peripheral nervous system damage.

Directs the GAO to evaluate the consistency of military and veteran pain care services across different programs, facilities, demographic groups and geographic areas; and

Assesses the adequacy and appropriateness of pain care services based on performance measures previously adopted by the VA.

Signed:

Air Compassion for Veterans.
Alliance of State Pain Initiatives.
Alpharma Pharmaceuticals LLC.
American Academy of Pain Medicine.
American Association of Diabetes Educators.
American Cancer Society.
American RSDHope.
Ava Mina Pain Clinic.
The American Chronic Pain Association.
American Headache Society.
American Pain Foundation.
American Pain Society.
American Pharmacists Association.
American Society of Anesthesiologists.
American Society for Pain Management Nursing.
Amputee Coalition of America.
AVANCEN LLC.
Boston Scientific.
Brave New Foundation.
Cause.
Cephalon, Inc.
Comfort Care Unlimited.
Coming Home Project.
Endo Pharmaceuticals.
Florida Pain Initiative.
HealthSouth Valley of the Sun Rehabilitation Hospital.
Homes for Our Troops.
Jacob's Light Foundation, Inc.
Indiana Hospice and Palliative Care Organization.
Indiana Pain Initiative.
Iraq and Afghanistan Veterans of America.
Medtronic, Inc.
Michigan Cancer Pain Initiative.
Missouri Pain Initiative.
Montana Cancer Control Coalition.
National Fibromyalgia Research Association.
National Pain Foundation.
National Veterans Legal Services Program.
National Vulvodynia Association.
One Freedom, Inc.
Operation Helmet.
Operation Home Front.
Pain Care Coalition.
Pain Connection.
Pain Treatment Topics.
P.A.N.D.O.R.A.
Project Return to Work, Inc.
Purdue Pharma L.P.
Reflex Sympathetic Dystrophy Syndrome Association.
South Dakota Injured Workers Coalition.
St. Jude Medical's Neuromodulation Division Advanced Neuromodulation Systems.
Swords to Plowshares.
The Pathway Home (Veterans Home of California).
There is Hope . . . for Chronic Pain.
Veterans for America.
Washington—Alaska Pain Initiative.

MONEY WOULD BE BETTER SPENT TO FIND CURES AND TREATMENT FOR DISEASES, NOT FOR MORE WEAPONS OF MASS DESTRUCTION

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

Mr. COHEN. Mr. Speaker, in the next day or two, this House will consider funding the war in Iraq and also we will be thinking and have been thinking about our colleague in the Senate and the father of one of our Members, Senator TED KENNEDY. We will think about Hamilton Jordan, who passed away also.

Senator KENNEDY suffers from a brain tumor. Hamilton Jordan suffered from cancer. When you think about how many dollars we have spent on that war effort and what those dollars could do to cure diseases of people here on Earth, I would submit, Mr. Speaker, we need to put more money into curing disease, finding treatments and cures,

rather than funding weapons of mass destruction.

The Bible says something about beating your swords into plowshares. I would submit that if we have the ability to seek finite spots on the Earth from the air to find targets for our weapons, we should turn those scientists' efforts toward finding ways to look inside our bodies and find cures for diseases.

Mr. Speaker, I am submitting a letter to the Speaker and to the chairman of the Finance Committee to do just that.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC May 15, 2008.

Speaker NANCY PELOSI,
U.S. Capitol, Washington, DC.

Chairman DAVID OBEY,
Committee on Appropriations, U.S. Capitol, Washington, DC.

DEAR SPEAKER PELOSI AND CHAIRMAN OBEY: I am writing to request that NIH funding in the President's FY09 budget for the research of cancer, diabetes, heart disease, AIDS, Parkinson's disease and Alzheimer's disease be doubled in the final FY09 budget set forth by Congress.

The following are the estimates included in the President's FY09 Budget request for research at the National Institutes of Health (NIH):

Cancer: $5.654B.

Diabetes: $1.033B.

Heart Disease: $2.111B.

Global Fund to fight HIV/AIDS, Malaria, and Tuberculosis under National Institute of Allergy and Infectious Diseases: $300M.

Alzheimer's Disease: $644M.

Parkinson's Disease: $186M.

These debilitating diseases affect millions of people each year across the globe. Families are torn apart, emotionally and financially, by the effects of their contraction. Congress has a serious responsibility to provide adequate funding for research that could not only find promising treatments, but permanent cures.

I cannot imagine a more pressing issue than ensuring the healthy future of those we are here to represent. The disparity between the amounts of funding requested for the war in Iraq and that requested to treat deadly diseases is incomprehensible. The successful findings of research programs made possible through increased funding will not only aid people in the United States, but the rest of the world, as well. It is my hope that, by taking full advantage of the scientific resources we have here at home, we can better our relationships with research teams across the globe to reach our common goals: finding a cure and establishing peace.

As always, I remain,

Most Sincerely,

STEVE COHEN,
Member of Congress.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

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

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

AN AMERICAN GI

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

Mr. POE. Mr. Speaker, standing on the beaches of Normandy, he found himself silent. Like a scene ripped from the movie Saving Private Ryan, this American GI was overwhelmed with memories. Memories so vivid, so real that in an instant he was a soldier again in the 7th Army, surviving the Battle of the Bulge, fighting through the Cities of Aachen, Stuttgart, Cologne, and Bonn. The graves before him transcended time, taking him back in history to a time when freedom was on the line.

He was born in the 1920s. He grew up in the Depression of the thirties, and he grew up poor like most rural American children. Fresh vegetables were grown in the family garden behind the small frame house. His mother made sandwiches for school out of homemade bread. Store-bought bread was for the rich. He grew up belonging to the Boy Scouts, playing the trumpet in the high school band and going to church almost every Sunday.

In 1944, this 18-year-old country boy that had never been more than 50 miles from home finally found himself going through basic training in the United States Army at Camp Walters in Texas. After that, he rode the train with hundreds of other young teenagers to New York City for the hazardous ocean trip on a cramped liberty ship to fight in the great World War II.

No amount of training could have prepared him for what he was about to experience. As a teenager, he and thousands like him put life on the line for freedom. He saw the concentration camps at Dachau and the victims of the Nazis. This horror gave him a clear understanding of why America was at war. He saw incredible numbers of other teenage Americans buried in graves throughout France, but like so many of his generation, he really never discussed the details, only saying that the real heroes were the ones that never came home from Europe.

Some 64 years after the war, my hero stood before the monument at Normandy with the thousands of white crosses and Stars of David and paid tribute to his heroes. The price of freedom was enormous, the memories of the sacrifices made were overwhelming. Amidst the whirlwind of imagery flashing before his eyes, my dad began to recall life before the war and what victory in Europe meant for Americans—and what freedom means today.

After Germany surrendered, he went back to Fort Hood, Texas, expecting to be re-equipped for the land invasion of Japan. It was there he met Mom at a Wednesday night prayer meeting church service, but before he could be shipped out to Japan, the Japanese surrendered and the war was over. Not too long after that, he opened a DX service station where he pumped gas, sold tires, fixed cars, and began a family.

Deciding that he needed to go to college, he moved to West Texas and enrolled in a small Christian college called Abilene Christian College. He and his wife and two small children lived in an old converted Army barracks with other such families. He supported us by working nights at KRBC radio and climbing telephone poles for ''Ma Bell.''

He finished college, became an engineer, and worked 40-plus years for Southwestern Bell Telephone Company in Houston, Texas. He turned down a promotion and a transfer to New York City because it wasn't Texas, and as he said it was ''no place to raise a family.'' Mom and Dad still live in Houston not far from where I grew up.

After his recent trip to Normandy, he opened up a little more about the war, still humble about his contributions, but looking back on the significance of victory through the eyes of an 82-year-old man. Don't get me wrong, Mr. Speaker, he hasn't mellowed at all in these years. He still rants and raves about the east coast media, and he has a strong opinion on politics and today's fight for freedom in Iraq and Afghanistan. He gives plenty of advice to everybody, including me.

He has two computers in his home office and e-mails with his buddies all around the world. He still flies the flag on holidays. He mows his own grass, and he can fix anything. He goes to church on Sunday, and he takes Mom out to eat almost every Friday night.

On Memorial Day, we honor those who fought and died in America's wars. We don't have to look far for courage or stories of inspiration. They are all around us from the men and women who proudly wear the uniform of a U.S. warrior.

Across the Potomac River in Arlington National Cemetery are the graves of the silent warriors who, in their youth, gave their lives for our future. Down the street from the Capitol are the World War I, the World War II, the Korean, and Vietnam Memorials. Standing in front of the World War II Memorial are the pillars from each of our States and Territories. On the back wall, there appears to be a large bronze plate. Mr. Speaker, it is not a bronze plate at all but it's 4,000 bronze stars. Each star represents 100 Americans, mostly teenagers, killed in the great World War II. Four hundred thousand Americans, many still buried in the fields of Europe where they gave their lives for the rest of us.

Without the sacrifices of the Greatest Generation, America would not be the amazing country of liberty it is today. My hero, my dad, is one of the charter members of the Greatest Generation.

This Memorial Day, he and his fellow veterans at the local American Legion hall will be marching in a parade somewhere in Texas. He's the best man I ever met. Virgil Poe: good man, good father, good soldier. That's plenty for one life.

And that's just the way it is.

□ 2145

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

(Mr. DAVIS of Illinois 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 North Carolina (Mr. JONES) is recognized for 5 minutes.

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

REAFFIRMING SUPPORT OF THE HOUSE FOR LEBANON UNDER PRIME MINISTER FOUAD SINIORA

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

Mr. MURPHY of Connecticut. Mr. Speaker, as the representative of thousands of proud Lebanese Americans in Connecticut's Fifth Congressional District, I rise tonight in strong support of the democratically elected government of Lebanon and to condemn the recent violence perpetrated against the people of Lebanon by the terrorist group Hezbollah.

Lebanon is a vital ally in a region where we need all the allies that we can get. It is a vibrant society composed and defined by its diversity of religious and ethnic backgrounds. A culturally rich Nation renowned for its tolerance and democratic values, Lebanon stands at the crossroads of Arab tradition and Western culture.

Yes, Lebanon has struggled with the proxy wars fought inside its borders by powerful neighboring nations, but with the strong support of the United States, the strong independence and vibrant democratic tradition of Lebanon can and will continue.

Yesterday, this House considered H.R. 1149, which reaffirmed the support of this House for the democratically elected government of Lebanon, led by the governing March 14 coalition. This resolution was necessary because that government has recently come under vicious attack by Hezbollah-led opposition fighters, an outbreak of violence that has brought that country to the brink of civil war.

In response to legitimate actions by the government to protect the security of its own citizens, Hezbollah instigated riots, blocked roads, forcibly shut down media stations, and attacked the residences of prominent members of the ruling coalition. During the course of this violence, Mr. Speaker, more than 69 Lebanese citizens were killed and more than 250 were wounded.

These actions blatantly violated the commitments made by Hezbollah leader Hassan Nasrallah, who has always maintained that Hezbollah exists solely to defend Lebanon against Israel, and that its members would never take arms up against other Lebanese. That pretense is now clearly shown to the entire world to be false, as we have known it was for a very long time. Indeed, Hezbollah's primary purpose seems to be to act as the agent of Iran and Syria, which continue arming the terrorist group in order to maintain a presence in Lebanon and a military front on Israel's northern border.

This brief, but bloody, period of fighting was the worst violence Lebanon has seen since the civil war that engulfed that Nation from 1975 to 1990. It demonstrated the military strength of Hezbollah's militias, and it threatened the free media, religious tolerance, and cultural diversity that make Lebanon such an important ally of the United States. The streets of Beirut are now relatively calm, but Lebanon will remain under threat until that government becomes truly independent from foreign influence.

It has been more than 3 years since the Cedar Revolution, when the people of Lebanon took to the streets and demanded an end to Syria's occupation of that country. Unfortunately, while Syrian troops have withdrawn, its government has continued to undermine Lebanon's vibrant but fragile democracy. They do this by allowing weapons shipments to pass over their territory into Lebanon and by continuing to disrupt internal Lebanese politics.

The boiling over of tensions that have been building for months has brought the world's attention to the challenges facing Lebanon, and we must capitalize on that focus.

Last night, the government and opposition leaders concluded talks in Doha, Qatar, finally reaching an agreement that will allow for the formation of a government and the election of Michel Suleiman as President, probably as soon as this Sunday. This is a welcome development and one that bodes well for the future of Lebanon.

But a number of issues still remain unaddressed. These include the status of Hezbollah's weapons, the future of Lebanon's electoral law, and the long overdue investigation into the murder of former Prime Minister Hariri.

The Lebanese people have found a way to live side by side with all of their differences for years and years, and I for one believe that it is in the United States' best interest to do all that we can to use yesterday's political breakthrough to press for the total elimination of undue outside influence on the Lebanese government and Lebanese society.

As political negotiations move forward in Lebanon, the United States, its Arab allies, and the European Union must provide the Lebanese government with the economic, military and political support it needs. We have seen the difficulty of promoting new democracies in the Middle East; however, in Lebanon, we have the opportunity to preserve one. A window of opportunity has opened, Mr. Speaker. The United States must now work diligently and quickly with Lebanon and her allies to assure that the moment is seized.

SUNSET MEMORIAL

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. Madam Speaker, I stand once again before this House with yet another Sunset Memorial.

It is May 21, 2008, in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Madam Speaker. That's more than the number of innocent lives lost on September 11 in this country, only it happens every day.

It has now been exactly 12,903 days since the tragedy called Roe v. Wade was first handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them, Madam Speaker, died and screamed as they did so, but because it was amniotic fluid passing over the vocal cords instead of air, no one could hear them.

And all of them had at least four things in common. First, they were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Madam Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of why we are really all here. Thomas Jefferson said, ''The care of human life and its happiness and not its destruction is the chief and only object of good government.'' The phrase in the 14th amendment capsulizes our entire Constitution, it says, ''No State shall deprive any person of life, liberty or property without due process of law.'' Madam Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth.

It has made us the beacon of hope for the entire world. Madam Speaker, it is who we are.

And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them.

Madam Speaker, let me conclude in the hope that perhaps someone new who heard this Sunset Memorial tonight will finally embrace the truth that abortion really does kill little babies; that it hurts mothers in ways that we can never express; and that 12,903 days spent killing nearly 50 million unborn children in America is enough; and that the America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust is still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

So tonight, Madam Speaker, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each one of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny, little American brothers and sisters from this murderous scourge upon our Nation called abortion on demand.

It is May 21, 2008, 12,903 days since Roe versus Wade first stained the foundation of this Nation with the blood of its own children, this in the land of the free and the home of the brave.

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 Indiana (Mr. BURTON) is recognized for 5 minutes.

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

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

(Mr. LANGEVIN 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 Illinois (Mr. WELLER) is recognized for 5 minutes.

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

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

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

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

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

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

(Mr. TANCREDO 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. CALVERT) is recognized for 5 minutes.

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

ENERGY PRICES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Pennsylvania (Mr. PETERSON) is recognized for 60 minutes as the designee of the minority leader.

Mr. PETERSON of Pennsylvania. Mr. Speaker, let the record show that on Wednesday, May 21, oil hit $137 a barrel and closed at about $134. Natural gas has pushed by $11.50 per thousand and is approaching $12.

Yes, this chart I have shows the growth in energy costs. Price of oil continues to skyrocket. I guess the part that's surprising is, as a 12-year Member of this body, that it's not a crisis here. This Congress is not treating energy prices as if it was a crisis.

I was looking at my notes before I came down from an October time when I came down to the floor, and we talked then, as we were kind of climbing through the eighties, and that day we had hit $94 a barrel. And we all shuddered that we might be approaching $100, and here we are a few months later, not only past $100, but at $134 and actually hit $137 today.

Do we have a bipartisan task force by the House and Senate that would look at how we deal with this energy crisis and how we deal with these high prices that American consumers are struggling with? The answer is no. Do we have a special House committee looking for solutions? The answer is no.

Yesterday, the House had a bill. It was defined and named to cut costs, cut gas costs. Will it? Well, the first part of the bill dealt with trying to figure out a legal way that we can sue the OPEC countries for not producing enough oil. Now, Saudi Arabia alone produces 12 million barrels a day, and many of the other countries, 10, 9, 7, but we think they should produce more.

It's interesting, on this floor a few months ago, when we had some energy bills pass that didn't have any energy in them, we claimed that it was a new era. The era of oil was over. We were moving into the fields, the new fields, and energy dependence on foreign countries would disappear.

I've been in Congress 12 years. We've increased dependency almost 2 percent a year every year I've been here, and we're on a pattern that by 2015, if we don't change, we'll be 85 percent dependent on foreign, mostly dictatorship, unstable countries, not always friendly to us.

I think that's a serious crisis for the American people. It's a serious crisis for American businesses to compete. It's a serious crisis to our defense of this country.

I wish our governmental leaders, White House and legislative included, were half as interested in energy prices as our military was. Because when I talk to the leaders of the Air Force specifically, who use a huge amount of our energy flying our planes, they want 60 percent of their energy to be nonforeign, and they're working judiciously to do other fuels from coal and fuels from gas and trying to have other non-oil fuels because in oil we're just becoming majorly foreign dependent.

Today, the Senate determined that when they return after the May recess, they're going to deal in the week or two period with climate change. They're going to deal with carbon taxes because they think that a one-and-a-half percentage degree in temperature increase in this country, in this world, is a greater threat to our future than energy prices that most Americans can't afford, and most businesses can't compete in the global economy if they continue.

But the Senate is not talking about energy. They're talking about a climate bill and a carbon tax which will increase energy prices 25 to 30 percent. Much of America today hit $4 in gasoline. That means if the Senate acts as they say they're going to, a carbon tax

could easily, everybody agrees, could increase energy prices 20 to 30 percent. So 25 percent of $4 is another dollar so we would go to $5 gasoline. And only God knows what oil prices will be by the time they accomplish that.

Does America need to be in an energy crisis? I think not. We made a decision several decades ago, in fact 27 years ago, a very foolish decision. We locked up offshore production of energy on both coasts and in much of the gulf. Every country in the world, Ireland, Norway, Sweden, Great Britain, New Zealand, Australia, all green countries, all environmentally sensitive countries, they all produce offshore. They have different set-asides, some 20 miles, some 30 miles, some 15 miles. Eleven miles is the sight line. Once it's past 11 miles, nobody can see it. All those countries, every country produces.

Canada, thank God for Canada. We import more energy from Canada than anybody else, our friend to the north. They produce both oil and gas right off the coast of Maine, just above it, and right above the coast of Washington. And since 1913, they've been producing natural gas only in the Great Lakes, and today they're selling it to us. We get 15 percent of our natural gas from Canada, 2 percent from LNG, and the rest we produce ourselves. We could be totally self-sufficient in natural gas.

Now, a young lady said to me recently, she said, Mr. PETERSON, I make $320 a week. I lost my other job so I have to travel a fair distance now to work. I'm now paying $130 a week to drive to work. She says, I don't know how I can continue to raise my two children and make ends meet.

What she didn't know was that the small house she has, her current natural gas bill, on a monthly basis, $175—she pays balanced billing—what she doesn't know is that the $12 gas or $11.70 today we're putting in the ground now compares to $6.50 gas we were putting in the ground—and you may say, what do you mean putting in the ground? Well, we have great storage caverns, much of them in my district in Pennsylvania, where we store natural gas in old salt caverns, and then we use it in the wintertime because we can't produce, we can't pump enough out of the ground in the heating season when we use tremendous amounts of natural gas. So we're putting it in the ground in storage today.

Now, one of the major storage companies told me last week at a luncheon, they're very concerned; they have not had their storage this low in a long time, and they're very concerned because they've been unable to buy as much LNG as they want.

□ 2200

And they're very concerned. I said, why are you putting $11.50 gas in the ground? Why don't you wait until the price comes down? They said, we're afraid the price isn't going to come down. Because usually in the spring of the season, when we're not heating our homes and we're not running a lot of air conditioning, we use the least natural gas of any other time of the year. So that's when we have ample supply, the price comes down, it gets reasonable, and that's when we put it in storage for next winter.

Later year at this time, it was $6.50, later in the summer it was $5 something. And last year we had a moderate increase in natural gas prices, about 7, 8, 9, 10 percent, depending on what part of the country you were in. That was moderate. Well, those who heated with home heating oil and propane had huge increases last year. And the sad story for Americans is those who heat with propane and home heating fuel are going to have enormous increases this year on top of last year's increases. And those who heat with natural gas are going to have a major increase. We don't know how much yet.

For the first time in 2 years we have not had a storm in the Gulf, the last two summers. That's historic. We always have storms in the Gulf, hurricanes, that disrupt oil and gas supply. And when it disrupts that supply, we never replace it, so it just takes it out of the system. And whenever we have a major storm in the Gulf—when Katrina hit, gas went from, like, $4 or $5 to $14. And that year we had a huge increase in natural gas prices because that's what we had to pay.

Now, the LNG issue I mentioned, you know, I had a debate with the White House some time ago, and they felt that LNG was our answer to natural gas. I argued then, 3 years ago, and I argue now, it's not the answer. It's a little piece of the solution. Now, what is LNG? That's liquefied natural gas, we buy it from foreign countries a long ways from here. Gas is cheaper in those countries. They liquefy it. They fill these huge tankers and they come here, and then we build controversial unloading stations. They're really not unsafe, but people perceive them to be. And we were in a flurry to build more receiving stations. We found out we really haven't needed them, we're hardly using half of the capacity we have today. Why? Because we can't buy it.

When a tanker with LNG gets loaded in one of these foreign countries, countries like Japan, who don't have any gas of their own, little countries like Spain, and on and on the list goes, they outbid us. Sometimes a tanker load of gas will be coming to the States, and they will get a higher price offered and they actually turn around and go to that country. In fact, in the heating season, when we need it, we can't buy it on a bet.

So LNG has not been the silver bullet that many thought. And the Secretary of Energy went around the world trying to entice LNG for this country. And I argued that LNG is helpful, but it's not a silver bullet, it shouldn't be our solution because, folks, between major gas areas in the Midwest and in the Pennsylvania Appalachian region, recent find, offshore we have an abundant volume of natural gas.

And natural gas is the clean, green fuel. And if it was more affordable, we could be using it in our auto fleets because autos can run on natural gas with a couple thousand dollar exchange of carbonation and storage tanks and so forth, maybe $2,000 or $3,000 a vehicle. We could run all of our school buses, short haul, all of our city buses, the Washington City. Many of them are on natural gas. State College in my district has been an all natural gas district for a number of years now. All of their bus system—it's the third largest bus system in Pennsylvania—they're all on clean, green natural gas.

Natural gas should be our bridge fuel. But at $12 now, and if we have a storm in the Gulf, it would be 15 or more, those prices, it's not our solution. But it could be our solution if we would open up the OCS, if we would open up Alaska, if we would open up much of the Midwest and start producing our own clean natural gas.

I have found it astounding that there is resistance to producing energy in America. What's really happened in America, and I'll just go a little bit more on natural gas here. Here is the natural gas prices. The blue line is what commercial pays—they pay a little less than households because they use high volume—and the red line is where residents are. And folks, this is today's price at the retail. In the fall, it's going to be off of this chart. There is going to be a huge increase, I predict, and everybody agrees. We will have to make a new chart because this chart won't work. Natural gas prices.

Now, is that problematic? Yeah, it's problematic, because not only do we use natural gas to heat our homes and to run our businesses, we use it as an ingredient. Fertilizer, about 70 to 90 percent of the cost of making it is natural gas because that's what we make it out of. The corn we're growing for ethanol uses natural gas to make the fertilizer to grow the corn. If we go to a hydrogen vehicle, we will use a natural gas.

The ethanol we use in vehicles today, the biofuels, biodiesel, those plants consume huge amounts of natural gas. One was just proposed in a southern State, and their projected natural gas costs for the first year was $3.5 million and they were looking for a cheaper fuel. Natural gas is the major ingredient in petrochemicals, polymers, plastics. We use it to bend steel, melt steel. We use it to treat all kinds of products. We use it to cook. We use it to bake. We use it in many, many commercial ways.

And natural gas prices are making American businesses noncompetitive. Dow Chemical, in 2002, a petrochemical company, the biggest in the world, American company, a good company, they used $8 billion of natural gas in 2002. Then we had the big spike in gas prices. In 2006, their gas bill went to $22 billion. And I don't know what it is

today, certainly much higher. They started building their plants. These are the best blue-collar jobs left in America, petrochemical plants, fertilizer plants, polymer and plastic plants, plants that heat, treat steel and bend metal and shape things. They all use natural gas as their fuel.

And they are being endangered because natural gas is not a world price. Nobody in the world pays this price but us. It's cheaper in Canada, a little bit. They're high because of us, because they're kind of hooked at the hip. It's cheaper in Mexico. At the wholesale side, it's $1 something in Trinidad, South America. In Russia, it's just barely over one dollar.

Many parts of the world—all parts of the world, in those countries, China and India, our competitors, their natural gas prices are probably a third of ours. That puts our companies at a huge disadvantage, not just labor disadvantage, not just because of other high costs in this country, energy costs have driven more jobs out of America than any other issue, not that they wanted to leave, they just can't afford to stay.

Now, with energy prices today, I talked about the young lady and her job, driving to work and her home, we're going to have seniors—you know, just the other day I had a gentleman tell me he put a new furnace in his mother's home. But when he went to visit her last winter, she had her temperature at 58 because she felt that was all she could afford. And he said, John, what do I do? I don't want my mother living at 58 degrees, I want her to be warm. So he's looking at some sort of heater in the one room where she sits in the evening so she can be toasty warm, maybe a pellet stove or a gas stove or something that keeps that room warm but the furnace down, not heating the whole house.

I went into a hardware store 2 weeks ago and they had their coats on. It was chilly in there. It was a frosty morning, we had frost that morning. And I said, it's kind of chilly in here. And he said, well, with energy prices today, in the spring and the fall I shut my furnaces off. We're a lumber yard, we're a hardware store, people come in here dressed for the outside temperature, and so we just dress for the outside temperature in our work. It saves me $800 a month in the spring and the fall, that's 4 months, so that's $3,200 that I don't have a gas bill—that I would pay in a gas bill, $800. Now, in the winter I pay a lot more than that, but it's cold then and you have to have heat, pipes will freeze, people won't come in your store if they can see their breath.

Folks, I don't think we have any idea what we're doing to the economic future of America, what we're doing to the quality of life of the average hard-working poor American. Now, those who are middle class will complain and groan and they'll pay because they have the money.

But below the middle class and the working class and the poor in this country, when they pay their driving bill—and rural people, I represent rural, we don't have mass transit; we drive to school, we drive to work, we drive to church, we drive to the doctor, we drive to the mall, we drive everywhere. And in rural areas, when the economy shifts and you lose your job at a plant, you don't move away, you go 50 miles down the road and you get a job and then you drive to work every day. I had a lady tell me today, my gas bill per week now is $180 a week. And now when she gets her heating bill next winter, will she have enough money to raise her family, heat her home, and drive her car? Many won't.

The current energy prices have the potential of stalling this economy. I had a person who has been dealing with energy all his life. He is a government official. He told me about 9 months ago that he thought $75 oil would put us in a recession and stall the economy of this country, and in time, the world. Now he said we bounced through that. We were just by that, and we were in the $80s then. He said, my people and I may have been wrong, but there is a price that our economy cannot absorb these energy prices. And folks, $134 oil? I mean, it's almost like we're talking fantasy.

How did we get here? How did we get to this situation? Well, here's some of the things—back to natural gas for a minute. In all of these products, natural gas is used in making them—steam, power, and all of these blocks. Huge amounts of natural gas. Even the skin creams that you ladies like to keep your skin soft, that's a direct ingredient of natural gas. The feedstock for making skin softeners is natural gas.

Well, here's where we are in energy use. Let's try to figure out how we got here. You can see the big part of our energy is oil. And now, 66.5 percent of our oil comes from foreign countries. Natural gas is the next largest, and coal—well, I guess coal would be the next, but let's go to natural gas. We're 83 percent self-sufficient. We get 2 percent in fraction from LNG and about 15 percent from Canada, our good friend in the north who drills offshore where we won't.

Now, coal basically is used in this country to make electricity, and about 50 percent of our electricity in this country is made from coal. Now, nuclear has been 20 percent of the energy in our electric system, not our energy overall, but our electric system. And of course the beige line here is hydro, and that's getting smaller because we're taking dams out. The environmentalists don't want dams. All the environmental community, they don't want dams in our rivers, and a lot of them have been tore out. And we're not adding hydro anywhere, so it's a declining factor.

Now, as you look at renewables, this is scary. Renewables are wind and solar and geothermal and woody biomass. And the only one of those that actually had real measurable growth in volume is woody biomass. A little growth in wind and a little growth in solar, but the big one that has really grown measurably is woody biomass. How did that happen? Well, we have between 800,000 and 1 million Americans heating their homes with pellet stoves. That's a fuel made out of waste sawdust, a good use of biomass. We use it to heat factories. Most of the dry kilns, where you dry your lumber, that used to be heated with fuel oil and natural gas are now heated with wood waste. Many factories that are in the wood business are all heated with wood waste boilers.

I have a company in my district now that builds very efficient wood waste boilers that actually burn wood waste cleaner than natural gas; it's an amazing ceramic-lined boiler. We recently placed those in a hospital in my district, that boiler, and that hospital is going to save 70 percent on their energy bill. And they're going to be using waste sawdust and wood chips. They can even burn green wood chips, like if a tree trimmer comes through and trims the trees and grinds it up—and they usually find places to dump that—they can now blow that into a tractor trailer and use it for fuel, cardboard waste, paper waste. This hospital is going to burn all its cardboard, all its paper, all its clean fuel, and buy sawdust and wood chips. They are going to save 70 percent on their energy bill.

Woody biomass is finding a market of its own. Now, there have been a lot of windmills added, and they are going to be a lot more added. But the numbers are still, you know—I keep reading articles. I read one recently that in just a few years 100 percent of electricity could be from wind. Folks, that's just not accurate. I read an article last week that in a few years we'll have 20 percent of our electricity. Now, one of the problems, you know, the grid failed in Texas recently because they have some successful windmills. But there are two times of the day when we need a lot of energy, that's in the morning and evening, peak power. That's when we're running our homes and our factories simultaneously. We're running washers and dryers and we're running hot water and we're cooking and we're doing things, so we're using a lot of energy in the factory and at home. Those are called peaks.

□ 2215

Well, from 4 to 6 o'clock, if you just watch the weather, and I've watched it, you can have a very windy day, and between 4 and 6, for some reason, the wind calms down. There's not much breeze. So wind farms don't produce a lot of energy sometimes on a nonwindy afternoon from 4 to 6 when you need it. So what happens when it doesn't blow and it doesn't turn? You have to turn on a gas generator. For every wind and solar generator, we have to have a gas backup. Now, gas is 23 percent. Gas is now 23 percent of our electric generation. Just a decade ago, it was less

than 7. We only allowed it to be peak power. We didn't allow electricity to be made from natural gas. We thought it was too clean and perfect to fuel and there were too many other uses for it, but we've changed. Now we are at 23 percent. And on a hot summer day when you have 100 degree temperatures across America and air conditioning is just sucking up all the electricity we can produce and our grid is struggling to stay up, every power plant that only comes on when it's peak is running 24/7 when we have hot summer weather. Now, that's changed things. We have never taken gas out of storage in the summertime until last year. Last year we had 2 weeks, 2 different weeks, when it was hot enough that we were producing enough electricity with natural gas that we fully had a negative flow of gas out of our storage areas for winter instead of in.

Folks, if we were to have a terrible storm in the this year, and everybody says we're going to, and we went 2 years without it, and we would have a very hot summer where we would use a lot of peak power and a lot of natural gas for electric generation, we could be looking at unbelievable natural gas prices this fall.

Now, I know the news I'm giving you is all bad news. But, folks, it's because this Congress and three Presidents have chosen not to produce fossil fuels.

Now, I'm for every renewable source there is. I'm for hydrogen. I have been pushing hydrogen my whole time in Congress. We hope it becomes a fuel of the future. I'm for wind and solar. I'm for cellulosic ethanol because it's vital because I don't think we can get to where they want to be with biofuels with soybeans and corn. I don't think we can grow enough of it. I've been stunned that we haven't opened up a lot more farmland, but we haven't. Last year we grew 20 million more acres of corn, and corn prices went from 3 something a bushel to $6.40 and $6.50 at one point. It's just under $6 now. We doubled and tripled grain prices. Food prices are skyrocketing because we used 20 percent of our corn last year to make biofuels, and this year we're projecting to use a third of our corn, and this year we are not growing 20 million acres more; I think we are only growing 8 million acres more or we're growing 8 million acres less. Somewhere in there that number is correct. But we're not going to grow as much corn, and they're concerned now with the wet weather in the West that we are not going to get all the corn we need planted.

Now, when you use grain long term and food long term for energy source, what happens when you have a bad crop year? You're not going to have food to eat and you're not going to have warmth. That's why cellulosic ethanol is so important.

Now, cellulosic ethanol can be made out of switchgrass, it can be made out of garbage, and it can be made out of wood waste. Where I come from, we have lots of wood waste, and I think that will be of use. But I think the one that has the most potential if in the laboratory—and these are all ''ifs.'' But yet we have a mandate by 2030 that we have to have 36.5 billion gallons per year of ethanol, the first 15 made from corn and the next 20 made from cellulosic. This is a mandate, by law. This is a process where we have not yet proven we can make it cost effectively.

Folks, we are in a crisis in this country because we have chosen not to drill for gas, not to drill for oil, no new fields. We have people come up here and talk about all the unused permits, all the land that's been leased and not drilled. Folks, if it's drillable and there's money there to be made, it will be drilled. And they all talk about big oil, but 80 percent of our energy is produced by small companies, people that are in our own States. Big oil are the named marketers, but energy is basically produced by independents. But we keep talking about these terrible oil companies and they're the problem.

I think Exxon answered the question well. They were talking about their profits the other day, and they said, Folks, we would reinvest in America if offshore was open, if Alaska was open, if the Midwest was open, but you forced us to go to foreign countries. Now we have foreign countries nationalizing their oil patches and their oil refineries and their oil production systems, and big oil is being gradually pushed out, and oftentimes their investments have been captured. Sometimes they have been paid for, sometimes not. And big oil is prepared to produce here if we open up.

Folks, we need to open up oil and gas reserves in this country. We need to have six or eight coal-to-liquid plants so we're not dependent on oil forever because we are the Saudi Arabia of coal. We need to figure out how to have more nuclear plants. The 2005 bill streamlined the process, and there are about 50 nuclear plants in the permit process, and there are 3 or 4 about ready to be built. We need all 50 of them by 2030 to maintain 20 percent of the electric grid. Not an increase. Hydro will continue to decrease.

This is a chart put out by EIA of the Energy Department. I disagree with them. We have had 60 coal plants turned down, clean coal, not dirty coal, clean coal, turned down by States because of the fear of the carbon issue. All of those will be built in gas plants, and when they are all built in gas plants, you will see this blue narrow and you will see the greens widen. Natural gas is where we will be going. It's the only place we can go. It's the clean, green fuel. But, folks, for it to be affordable, we need to produce a whole lot more of it.

It's never polluted a beach. It's never caused pollution in this country. It's the cleanest fuel, no NO_X, no SO_X, a third of the CO_2. It's almost the perfect fuel. It's cleaner than biofuels. But for some reason, three Presidents and Congress for 27 years have locked up not only our shorelines but much of the middle of this country and the part of Alaska that was set aside for energy production, 2,000 acres on a 70 million acre plot to produce energy. With modern drilling they drill multiple wells on the same site, and they go many directions. You don't have nearly as many sites.

Folks, America needs energy. We need energy we can afford to pay. The working people of this country not only are not going to be able to afford to heat their homes and drive their cars, but many of them will lose their jobs because these energy prices, as I showed you earlier, $14 gas, America is the only place that someone pays $14 for gas. Every other part of the world is cheaper. Oil prices are the same everywhere. It's a world price. But for 8 years the Dow Chemicals, the manufacturers, the fertilizer companies have paid the highest prices in the world for natural gas and have been asked to compete with the rest of the world.

Energy is a crisis in America, but Congress treats it like it's not a crisis. We do goofy things like trying to sue OPEC, and we know we don't have standing to sue other countries. They don't come under our court system. We're trying to wiggle our laws around so we can sue them. That's a waste of time. We need to produce energy.

Also, I have a natural gas bill, the Outer Continental Shelf. In my bill it's natural gas only, offshore. We use the royalties for renewable research. We use royalties to clean up the Chesapeake Bay. We use royalties to clean up the Great Lakes, San Francisco Bay, the Everglades. Folks, if we would produce energy offshore, we can allocate the royalties to fund the renewables.

Today we were arguing over and fighting over the extensions for the tax incentives for wind and solar and geothermal and all the renewables. We extended them for 1 year. Our investment companies are going to spend a billion dollars on wind and solar when in a year from now, there may not be that incentive there that makes it work.

Folks, this Congress has failed us. This Congress continues to fail us. This Congress needs an energy policy. This White House needs an energy policy. And the people running for President of this United States need to prove to the Americans before they elect them that they have an energy policy that they're going to bring to this country to provide us with the gas and the oil and the renewables and clean energies and it's going to be affordable for Americans to live their lives, run their farms, run their businesses.

Folks, I've listened to hours and hours of presidential debates. Energy was seldom mentioned, and it's certainly not been a platform of the current candidates. We need a person running for President, Americans need to demand of those running for President, ''How are you going to produce?''

We have those who talk about green collar jobs. I'm for green collar jobs. But let me tell you, if we don't bring affordable energy to America, the blue collar jobs won't be here. They'll be gone, and we don't know how many of the green collar jobs. We need them both.

I'm for plants to build windmills. I'm for plants to build solar. And when we learn how to store wind and solar so that we can make it during the night when we don't need it and use it in the daytime when we need it, then it will work. But until we do that, it's on the margins. If we double wind and solar in 5 years, it will be less than 1 percent of our energy. I hope we can do that, but that's still not very much energy.

But the American public have been led to believe that we are holding renewables back, that we're not for these energy-efficient cars. There are incentives, folks, of thousands of dollars to buy energy-efficient cars. There are incentives to do wind and solar. Unfortunately, they're not long term. Those who are investing are gambling because we just renewed them a little bit at a time. We just renewed them for a year. Folks, we need to renew them for 5 to 10 years. We need to have it out there, and then if it isn't working, we stop doing that.

But, folks, there are those who say we need to conserve, and we do, and we will at these prices. But let me tell you that in a later speech sometime I'm going to show you the American people are using far less energy in America per capita today than we did a few years ago. We've done more than people give us credit for. We have more efficient appliances and more efficient engines and things than we had many years ago. We have done better than any other country in overall energy conservation. Folks, we haven't done enough, but I want to tell you $4 gasoline or $5 gasoline and $14 gas to heat our homes are going to force us to do a lot of things.

But America doesn't have to be in this situation. Yes, we need the new kind of fuels, renewable fuels. But until they are ready, we can't decide, as a Congress and a White House, that we're not going to produce.

Let me just tell you who some of the perpetrators are. The environmental groups of America own this Congress. Sierra Club rails against shale oil production. Over a trillion barrels of shale oil in the West. We can't do that.

Green Peace says we must phase out fossil fuels. Folks, how do we do that? Ninety-six percent of our energy is fossil fuels. How do we stop that? That's what we're doing. We're phasing them out before we have the replacement.

The Environmental Defense Fund: ''Power plants and smokestacks are our public health enemy number one, and we must do away with them.'' That's our jobs, our factories, folks.

□ 2230

League of Conservation Voters; coal to liquids, wrong direction. Well, should we do coal to liquids or should we do more foreign dependence on the Mid East? That is our choice.

Defenders of Wilderness; every coastal State is in harm's way when an oil rig goes up. Folks, that is not true. We haven't had an oil spill since 1969. We have never had a gas spill. When a gas well lets gas out, it goes in the air. Dissipates. Natural Resource Defense Council; coal mining destroys land. Coal plant emissions cripple and kill. We have clean coal technologies with much cleaner emissions than we have ever had, but we are turning them down and not building them. We are using old dirty coal plants because they can't build the new ones. That's our environmental policy.

Center for Biological Diversity; oil and gas drilling on public land has a devastating impact. Does it have to? It can be done right. Friends of the Earth; liquid coal is dirty and costly. Liquid coal doesn't have to be dirty and costly. We have ways of doing it.

North Africa, or South Africa, I guess, is leading the way with liquid coal. That is making gasoline and diesel out of coal. And we have lots of it. We need to be working at it and learning how to do it cleanly so we are not dependent. Folks, we are 66 percent dependent on foreign unstable countries. We have no control over prices. A storm in the gulf and we have another major spurt in energy prices.

One of our sending countries, and here's who we get our energy from. We produce 33.7 percent of our own oil, we import 66.3 percent of our oil. Canada provides 12 percent of our oil; Mexico, 9.3; non-OPEC nations, 8.9; Ecuador, 1.3; Saudi Arabia, 9.6 percent; Venezuela, 7.5. Our friend, Venezuela, 7.5 percent of our oil comes from there. Nigeria, a stable country, questionable, 7.2; Angola 3.3 percent; Iraq 3.2; Algeria, 3.1; Kuwait, 1.2; other OPEC is .06. That is our oil. That's where we get our oil from.

Folks, we don't have to be dependent on it. America is rich in resources. Natural gas should be our bridge. Clean vehicles on natural gas. Natural gas should be the fuel of the future, and our industries shouldn't have to pay the highest price in the world for natural gas so they are forced to leave here. Americans shouldn't be forced to live in homes that are cold in the wintertime because they can't afford to heat them. People should be able to afford to drive to work.

Folks, it's a crisis in America. It should be a crisis in this Congress. Today, the White House again spoke about we need to produce more energy. Tomorrow I am going to write the President a letter. You know, if he means that, he needs to lift the Outer Continental Shelf moratorium, because we don't have one moratorium, we have a legislative one by Congress for 27 years and we have had a Presidential one for 27 years, and he can lift it in a moment. That is how it was put there.

Bush I put it there for 5 years until we assessed the Outer Continental Shelf, what was there. We have never assessed that. We have never allowed seismographic out there. Then Clinton came in and extended it to 2012, and also vetoed the Alaskan bill, ANWR, which would be producing major oil for us today. He vetoed that. Bush II has ignored it and refused to talk about the OCS.

Folks, we have three Presidents and a Congress with a 27-year history of not producing affordable available energy in America, and we are the only country in the world to lock up the Outer Continental Shelf, we are the only country in the world that has locked up most of our internal resources.

Congress and Presidents have been our problem. Congress needs to get the message that it's time to stop being our problem, and we need to have a President that leads us to energy, affordable available energy for America.

PROGRESS IN PASSING LEGISLATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the majority leader.

Mr. MEEK of Florida. Thank you, Mr. Speaker. It's an honor to be before the House once again, and I think it's important that we get a chance to come to the floor and not only share with the Members the 30–Something Working Group, some of the issues that we have worked on in the past, but those issues that we will continue to focus on in the future.

With this being the ''political season'' for those Presidential candidates, there's still a lot of work to be done here in the Nation's Capital on policy issues that are facing real consideration before this House and before the Senate. One may focus on what is happening in the campaign trail. But I want to share with the Members tonight, Mr. Speaker, on what has taken place here in the Democratic House of Representatives, majority, and also how this House has worked with a number of our Republican colleagues on the other side in passing major legislation that has made it to the floor that would allow Republicans and all Members of the House to work together on issues that the American people are hoping that we can come together on.

This House has made progress in passing some 177 pieces of key legislation, more than 70 percent with a significant bipartisan vote. As it relates to the recent past of the last three terms that I have been here, we have never seen those kind of numbers before. It's important that Members on both sides of the aisle are able to come together on legislation that all of our constituents can agree on and that we can illustrate to those that are out there that are saying, Well, you know, can Democrats and Republicans work together, can Democrats put forth legislation that Republicans can vote for,

can Republicans vote for measures that Democrats bring to the floor, and I think through the leadership of the Speaker and the majority leader and also the majority whip and Democratic caucus and the vice chair and the rest of our leadership, the proof is in the pudding.

I want to say that the 177 measures that have gone through this House and the 70 percent that have passed with a significant bipartisan vote is what the American people called for, what they wanted. So many Members of the House ran on, I am going to Washington, DC to represent you, I am going to Washington, DC to make sure that you pass sensible legislation, and I am not necessarily running to be a part of the Democratic caucus or to be a part of the Republican caucus or carry a special-interest interest.

I think that when we looked at the new direction that the American people were looking for back in the 2006 elections in November, they got it. Measures that would have never made it to the House floor have made it to the House floor.

I have to speak of a number of my colleagues that were on the floor prior to our new Democratic majority back in the Republican-led Congress that said, If you give us the opportunity to lead, we will lead in a way that you will be proud and that you would feel good about the leadership that you have in the House of Representatives. We were not only—I mean we weren't speaking to just independents, we weren't even speaking to just Democrats. We were speaking to all Americans, including Republicans and those that could not even vote yet, that they would have a voice on this floor, that they would have an opportunity to see a majority that would allow legislation to come to the floor that would change their lives.

I also would like to say out of the 177 key measures that were passed, 125 of those measures had the support of more than 50 Republicans in this House.

Now, Mr. Speaker, you're a part of our new majority makers that are here. I think that it's important that we reflect on the past so we can see what the future is going to be about. I see a bright future in this House, you see a bright future in this Congress, and I think if the American people engage themselves as Americans and not as Democrats or Republicans or independents or Green party, or what have you, saying that they are looking for a House that would provide the kind of opportunities that they deserve for a Congress, for a government, provide the opportunity that they deserve, and they can find faith in what the 30–Something Working Group will share with you tonight.

These bipartisan votes that have been signed by the President include the Economic Stimulus Act, College Cost Reduction and Access Act, the 9/11 Commission Recommendations. For instance, let me put a pin right there. The 9/11 Commission recommendations was supported and was a bipartisan commission that brought about these recommendations under a Republican President, a Republican Congress, that the Republican Congress would not endorse and would not pass and the President did not support. But once this Democratic Congress allowed that legislation to come to the floor as part of our Six in 06 measure, we were able to get bipartisan support for that measure, and the President signed. So it goes to show that being in the majority does help.

Also, the Innovation Agenda bill, the Lobbying and Ethics Reform, minimum wage, a bill for improving and expanding Head Start, and historic energy independence and security bill that reduced dependency on foreign oil, I think it's very, very important that we focus on those issues.

Now, Mr. Speaker, I think it's important that we look at the future because we have so many issues that are before us even before we finish this 110th Congress. We have to start to focus not only on how we are going to find ourselves bringing our men and women home, and there was a vote last week that was very historic. Never before since I have been here in this House that the House has voted in the majority to not continue to fund the failed policies of the Bush administration as relates to the war in Iraq.

I also think that it's important that as we continue to consider how we are going to approach on an emergency supplemental, approach the emergency supplemental that the President has asked for to continue to fund the war in Iraq, that if I could put it this way on Navy terms, If we shoot a shot over the bow of those individuals that are in Iraq, what I may call the Iraqi parliament, and let them know that the United States of America will not continue to give a blank check to the fact that they have not made the political reforms that they need to make so that the U.S. taxpayer dollar will be spent in an appropriate way to enable the Iraqi government to stand up on their own feet so that we are able to provide the necessary resources to our constituents here in our country and here in our districts.

I also think that it's important, Mr. Speaker, as we start to look at these issues, we look at the largest increase in veteran funding in the history of the Veterans Affairs Department, preparing for our men and women to come back so they can receive the kind of assistance that they deserve because they allow us to salute one flag.

I think it's also important, Mr. Speaker, and also for the Members who realize that even though we may disagree on a number of issues, and they are a number of issues that we disagree on, we can, if you ever heard this, agree to disagree.

□ 2245

But when it comes down to the votes here on this House floor for our folks back home, I think it is important that we hold their hopes and their dreams paramount in that debate. And because of the kind of leadership that we have within our caucus, some 177 key votes, 125 of those votes receiving over 50 percent Republican support, it goes to show you or show the American people and also Members of Congress how we can come together on behalf of the greater good.

I know that Mr. MURPHY has joined us, and I want to yield some time to him so that he can share as not only a new Majority Maker, but also as a member of the majority, as we look at the future, as we look at bipartisanship that we speak so highly of, that we should reflect on what Mr. RYAN and I said when we first started working on 30-Something some 6 years ago, that bipartisanship can only happen when the majority allows it to happen.

I think the evidence, the evidence of not only the CONGRESSIONAL RECORD, but the evidence of our words that we have laid on the CONGRESSIONAL RECORD over the years, is that we hold paramount bipartisanship, that we hold opportunity, that we hold inclusion. So if it is someone, an American somewhere in a super-Republican district saying do I have a voice in Congress, will the Democratic majority allow my voice to be heard, will the values of my community be heard in Congress and will it be allowed to pass the House of Representatives and the Senate, I think the proof is in the pudding.

I am hoping on the 30-Something website we can have this information placed on that website, so that Americans can go and check the record for themselves.

One thing I take great pride in personally, Members, is that the 30-Something Working Group, we go through a lot of research and the members of our group believe in fact versus fiction. We bring fact to the House floor. We do not bring fiction. That is what the American people are calling for.

Mr. MURPHY.

Mr. MURPHY of Connecticut. Thank you very much, Mr. MEEK. The honor is also to be part of the 30-Something Working Group and to get to spend the precious moments on the floor with you and Mr. RYAN, Ms. WASSERMAN SCHULTZ and Mr. ALTMIRE and others who can't be here this evening.

As you noted, I am a new Member of Congress. I came from the Connecticut State legislature. I came here with some degree of trepidation, because coming from the Connecticut State legislature, a place in which partisanship has its day, but certainly is not the rule, the reputation of this place, at least under the last 12 years of Republican rule, struck fear into the hearts of a lot of new Members, because we came from experiences, at least those of us who came from experiences in the State legislature, where

the rule was that we reached out and worked across the aisle. The rule was that to get anything done, you needed to have Republican and Democratic support.

The reason that in Connecticut the State legislature enjoys a level of support and approval that the United States Congress has not traditionally had is in part because on the most important stuff, in Connecticut we found a way to do that.

I was the chair of the Public Health Committee for several years in the Connecticut legislature and we passed the Nation's first stem cell investment law. We did it with a Republican Governor. We did it on a bill that was introduced by a Republican senator and a Republican member of the House, even though Democrats had near veto-proof majorities in both chambers. We did it with Republicans and Democrats. Frankly, it didn't matter what the letter was after your name, R or D. It was the right thing to do. So I came down here as a member of the new Democratic majority wondering whether there was going to be a chance for that same type of cooperation.

As you pointed out, Mr. MEEK, we saw it immediately in those first 100 hours. In the agenda we put forth on energy, on the minimum wage, on student loans, on ethics, we had Republicans and Democrats standing together.

Now, that hasn't happened every day here on the House floor, and the times it doesn't are the moments in which CNN and MSNBC and the talk show pundits jump on it. But, really, when you talk about the big things that have passed here, you have seen this House coming together. You saw it on the farm bill most recently, and you saw it today.

For anyone that was lucky enough to be here on the House floor, Mr. MEEK, maybe you mentioned it, to see the debate on the defense authorization bill, it was a pretty remarkable bipartisan affair. In fact, the bill is named after the Republican ranking member of the Armed Services Committee, Mr. HUNTER, probably something that average voters out there who hear about the conflict that happens in this House every day wouldn't have expected. But there is, I hope, a growing spirit here on the House floor that we can cross the aisle that literally exists here on the House floor in order to pass important things.

But we need more of it. We need more of it because the most important issues for our constituents can't happen unless we have the votes here all too often to overcome the President's veto. We did that today with an incredibly important farm bill that begins the process of transferring unjustifiable subsidies for American farmers and turns them around to funding for conservation programs and nutrition programs. We are going to stand up to the President when it comes to sensible farm policy. But we need more of that.

When it comes to the GI Bill, which is this Congress' landmark effort to once again recommit ourselves to a notion that this Nation stood upon in the wake of World War II, that every returning GI from the field of battle should have access to a quality education in a school of their choosing in their State, we have withdrawn from that commitment since World War II, and this House and our compatriots in the Senate are attempting to make that commitment once again.

The funding for returning GIs has withered to the point that that commitment no longer exists. If you want to come back and you can go to school, maybe you will get a little bit of help, but you are still going to have to pay a significant amount of money, and you are probably going to have to do it part-time, because there has been historically not enough money for living expenses for those GIs.

We think if we are going to ask you to be a full-time warrior for this country in Iraq or Afghanistan, we should allow you to be a full-time student when you come back to the United States. We should be able to pay your way to the most expensive State college in your State, but we should also give you a stipend in order to make that journey through college education full time. If we are asking men and women to fight and die for us, to sustain injuries that change their lives on the field of battle, we should support them when they come home by providing them with educational benefits.

But we don't have the votes here on the House floor today to override that presidential veto, Mr. MEEK. So we need more of that bipartisan cooperation that we have seen. Democrats are willing to stand up for returning veterans to give them a new GI Bill. We stood in lockstep as the majority party here last week to do that. We had 30 or 40-some odd of our Republican colleagues join us in that effort, but that is not enough to get past the threatened presidential veto.

I can't explain to you why the President doesn't think it is the right thing to do, to stand up for our GIs when they come back home. He has stretched our militarily to the breaking point, and he is not willing to sustain them when they come back to the United States.

We clearly believe that one of the most important things that we can do in this Congress between now and the adjournment is pass that GI Bill and recruit enough of our colleagues on the Republican side so that we can overturn that veto. We have shown that we can do it. We did it on the farm bill. We have done it before.

We have also shown that we can go out and make our case to the American public so that the President changes his mind. The President, if you remember, Mr. Speaker, first threatened he was going to veto the college affordability bill, which transferred subsidies for banks into subsidies for students, lowering the student loan interest rate in half from 6.8 percent to 3.4 percent. The President said he was going to veto that. But when we went out there and made the case to the American public and asked them to make the case to the President that this was the right thing to do in a tough economy for millions of students and families out there that needed a little help, he changed his mind and signed that bill.

Just recently, after making a lot of noise in opposition to our efforts to suspend deposits into the Strategic Petroleum Reserve and put that oil instead out on to the market to lower gas prices by anywhere, who knows, from 5 cents to 20 cents, a small but meaningful decrease through the suspension of deposits into the SPR, after making a lot of noise that the President was going to oppose or veto that legislation, he ended up signing it.

So when it comes to the GI Bill, we have got two tasks ahead of us. Let's try to build the bipartisan consensus that we have had here on many days in the House of Representatives. Let's try to push beyond the 30 or 40 Republican Members that have supported the bill so far so that we don't have to worry about a presidential veto. But let's go out and talk to veterans organizations, to talk to military families, to talk to our educational institutions.

Let's grow a coalition over the coming weeks and months so that the President has the opportunity to change his mind, so the President has the opportunity to stand with us on the side of returning service men and women for the educational benefits that they deserve. Just like our grandparents, our parents, got that benefit when they came back from World War II, let's do it again for the thousands upon thousands of GIs returning every month from the field of battle in Iraq and Afghanistan.

Mr. MEEK, you led off on the right note. There is an amazing amount of bipartisan cooperation happening here, but we have got to extend it to some of the most important measures that we can pass between now and the end of this historic legislative session.

Mr. MEEK of Florida. You know, Mr. MURPHY, I think it is important, and I think we can do a little back and forth here in the spirit of bipartisanship. I see one of our Republican colleagues who would like to share a few things a little later on, and we don't want to take all of the time, because we definitely want to hear from the Republican side this evening in the spirit of what we are doing here.

But I think it is important, Mr. Speaker and Mr. MURPHY, I think that as we look at what is happening now, we know that we have an historic Presidential election that is taking place. And we are still in the primary mode, but it has a general election spirit that is there. There are slogans out there, ''yes, we can,'' and ''yes, we will,'' and ''change that you deserve.''

It is interesting, because the President is still trying to play a major role.

We know that he will be commander-in-chief until January, but I think it is important, especially for some of our friends on the Republican side, that they pay very close attention to the past to understand the future.

There was a day and time when the American people were not really paying close attention to what is going on here in Washington, DC There was a time that young people who are concerned about tomorrow more than anyone else in this country were not paying attention to the likes of many of the individuals that are paying attention to politics now.

I remember one of the general demographics was 50-plus in the country. You have to make sure that you meet the needs of those individuals. But now that goes from 50-plus all the way down to 17½, where Americans can register, and then at 18 they will get their voter registration card. So we have a full kind of age range there of folks that are paying attention to what is happening here.

I remember in the early days with Mr. RYAN and I, and then when Ms. WASSERMAN SCHULTZ got here, Mr. RYAN and Ms. WASSERMAN SCHULTZ and myself, and now the Majority Makers such as yourself and others are now coming to the floor. But back in the early days we used to share with our friends on the Republican side, you have a choice to make. Either are you are going to be on the New Direction agenda and give the American people what they deserve versus the special interests, or, Mr. Speaker, those Members will be watching the Congress on C–SPAN and other television outlets that would allow them to view what we are doing here on the floor at home while we are here voting.

We are in the majority now. We have won three special elections in quote-unquote ''Republican'' districts that were seen as Republican districts. But what I believe in and what I have subscribed to is the American spirit over politics. I believe people are now looking at their families and looking at their children and looking at their grandparents and looking at themselves in the mirror and saying, am I using the power that I possess with my voter registration card towards the benefit of my family, my community, my State, my country? Am I using that to the full advantage that I have as an American citizen? Or am I voting a party, or a personality, or what is politically quote-unquote ''correct''?

□ 2300

And I think that question has come back in many of these districts and throughout the country of saying, I have to vote what is best for my children, for my parents, for my grandparents, for myself, for the fact that the economic situation is bad, for the fact that I don't have health care for so many Americans.

I have traveled this country, Mr. Speaker, on Presidential election and I have paid attention to what is going on. And every time the question is asked: How many people without health care? A super majority of the people put their hands up. Of course, I don't put my hands up because I am a Member of Congress and I have health care. But my constituents didn't say, hey, you know, KENDRICK, we are going to vote for you to be in Congress so that you can have a health care plan for you and your family. We love you that much. Don't worry about us. And they didn't vote for any of us for that reason. I don't think any Member of Congress ran for office saying, I am running to make sure that I can have health care, and then maybe you will have health care.

But for some reason, some of our friends on the other side of the aisle didn't get that message or they have forgotten the message. But I am hoping, as we start looking at these issues, that, Mr. MURPHY and Mr. Speaker and members, that more Republicans start understanding that this is not the Republican or executive committee back in their county or in their parish or whatever the case may be; that this is the U.S. Congress, and they may have been Federalized by the people in their district, Democrats, Republicans, and Independents, in a general election to come here, provide the kind of representation that they woke up early one Tuesday morning looking for.

I say all of that to say this: That if it was about politics, Mr. MURPHY, members, we would be home now. We would say nothing. We would allow the Republican minority to continue to get further and further and further in the minority. But the American spirit within our Democratic majority allows the 177 bipartisan votes, that we celebrate the 125 bipartisan votes, over 50 Republican members voting for Democratic measures that would never have made it to the floor on the Republican Congress.

The record speaks for itself. I am so happy and so glad that we have the kind of leadership, we have the kind of caucus that says, you know something? We are going to move in a new direction that the American people have called for, Mr. MURPHY. Some people call it change now. Change is the big word of this election, because people have had a taste of change already in this House and in the Senate. They want that change in the White House.

Now, I want us to kind of go back and forth here, but I just want to share a little bit of the record because some work has been done here. I think it is important that we look at the kind of fight that—and I am going to call some of the things out that you have identified.

We have the new GI bill that extends benefits to veterans, and it provides and restores the full 4-year college scholarships for Iraq and Afghanistan veterans, and the President has threatened that he is going to veto that.

My question is, to the Republican minority, are you going to follow the President with this whole veto issue? If he does, will you leader up and override his veto?

Because I can tell you, Mr. Speaker, if we have an override once a week, maybe, just maybe—because the President is not running for election again. I just want to let my Republican colleagues know, they are. Some of them are, those that are not retiring. That they may want to pay attention to what the American people are saying versus what may be coming from the White House, because it hasn't worked, because they are in the minority right now.

I think it is also important for the responsible timeline for redeployment that requires Iraqis to pay their fair share of the restoration and other Iraqi policy restrictions that was in H.R. 2642, which is the 2008 supplemental that the President has threatened to veto again. Will our Republican colleagues write the Republican and say, listen, we are already in bad shape as a Republican minority in the Congress, we can't follow you on this. We will join Democrats and override your veto.

That is the American spirit. That is not saying, well, I am going to be a good Republican. Because it is important that we understand that folks didn't elect us to be good Republicans or good Democrats saying, well, I am going to follow the President because the President says that it should happen. The first version of the 2007 supplemental, the President vetoed the bill on May 1. I think it is important that folks understand this and the opportunities that we have to continue to build on the bipartisanship.

The responsible timeline for redeployment of troops, another bill that passed, H.R. 4156, the President has threatened that he is going to veto that. Also, H.R. 2956, that carries some of the same language. I mean, we are putting these bills out there. That bill passed 223–201. The President is threatening he is going to veto that.

Mr. MURPHY of Connecticut. Let's just step back. There is no question when you are talking about where do American people stand on the redeployment of the troops out of Iraq. None of these bills suggest to do it tomorrow or the week after. This is the responsible redeployment of troops out of Iraq. Do it in a planful way that maintains the safety of those troops as they leave, and tries to do our best to try to maintain a stable government that we leave behind. There is no question where the American people stand on that. That is not just you and me listening to people when we go back home; that is also every poll that we have seen of the American public over the last 2 years.

There is no question, Mr. MEEK, where people stand on the GI bill. The numbers are off the charts when you ask folks if they think that this country should guarantee a college education to every returning warrior from Iraq and Afghanistan. There is no guesswork involved here.

Now, I don't know where the President gets his direction from on his veto threats. But for all of us that are sitting here deciding whether we vote for these things in the first place or override the President's veto when they come back, there is no research that has to be done in the public opinion. There are no guesses that have to be made. This is all just common sense, whether you are listening to it when you go back to the district or you are reading the public opinion polls, Mr. MEEK.

Mr. MEEK of Florida. Public opinion polls and what the American people want are pretty much the same thing, but also common sense kicks in at some point. I mean, if I was very—hypothetically speaking, Mr. Speaker, and I do mean very hypothetically. If I was a Republican Member of Congress at this point, I would kind of think, hmm, let's see, am I willing to follow the President that is going to retire and have a pension and have all of the things being a past two-term President in this country? Or am I going to stand up on what is right and what is sound as it relates to policy?

Mr. MURPHY, again, another bill, and I am making sure that the Members understand, because I think here in the 30-Something Working Group, you know, in Congress there is always some mystery about, well, you know, I didn't quite know what was in that bill.

I am sorry, let me go back. We are about to celebrate Memorial Day for those and pay tribute to those that serve this country, those that have died to allow us to salute one flag, those that allow us to be here under the illumination of the lights here, to be in a free country, to be in a country that one can stand on the floor and speak freely, Republican or Democrat, what have you; for any American or any resident of this country to speak in opposition of its government and say, I disagree; or, this is the way I feel.

Many of us Members of Congress have traveled to countries where folks don't have that privilege or that opportunity, and we try to share that kind of democracy and that freedom of those that have fallen.

I tell a story, Mr. Speaker, of my kids and I, we rode our bikes on the mall here in Washington, DC, where we leave this building and pass the Washington monument and pass the World War II memorial, and all of those States are recognized on those pillars that are around that monument and that great fountain that they have there illuminated at night. And we go on and ride on and we go to the Lincoln memorial where so many Americans go to reflect on this great President who served our country. And we run into the Last Outpost, where our veterans from Vietnam are there selling patches and keeping that last outpost open for those that are missing in action. And then we take the opportunity to go by the Korean War memorial that is there and the Vietnam wall of those that lost their lives. And so many Americans will travel to the capital city to celebrate that and to be able to recognize those individuals and celebrate their lives and their commitment to our country and on and on and on, and the number of monuments and great heroes and sheroes that are there, even women that have fought in conflicts.

I say all of that to say this: That with all of that history and all of that greatness and all of the spirit of this great country, that we have to take a step back sometimes and say, am I voting in the right direction? Am I doing the right thing? Am I listening to quote/unquote leaders that may be in our caucus or whatever the case may be? And especially on the Republican side, I think it is important because I think it is a very unique time in history and I think they need to be on the right side of history, because history has played a role in Members of Congress' reelection to Congress.

And so when I start looking at legislation that the President has decided that he is going to veto, Mr. MURPHY, I think it is important.

And I want to also on the record call out on 3159, it is again a responsible troop redeployment cycle that is based on Senator JIM WEBB's bill that enhances national security and supports our troops and families. And increasing troops are better at home in between deployment. The President has threatened that he is going to veto that.

Will our Republican colleagues, those that are not voting in a bipartisan way, will they follow the President in that veto, or will they write a letter to the President and say no way, will they write President Bush and say, on House Bill 1684, the fiscal year 2008 Homeland Security Authorization Act that the President has threatened that he is going to veto that will provide some $139.8 billion to the Department of Homeland Security to be able to protect the homeland? Will they write a letter or will they send a message to the White House that they are willing to override that veto?

At the same time, again, time after time again the Coast Guard Authorization that passed the House, H.R. 2830, which is the Coast Guard Authorization, the President, this also passed—now, this is very interesting, Mr. MURPHY. This authorization has passed the House. I am smiling because it is almost laughable if it wasn't a serious moment.

The Coast Guard plays such an important role to homeland security, especially from a State like mine in Florida, and especially as we look at the East Coast and the West Coast. They play such a very important role, and they have been asked to play a role that they have never played before in protecting the homeland. This bill, this piece of legislation passed 395–7, with 165 Republicans voting ''yea,'' or yes, the President has threatened he is going to veto that.

So Mr. MURPHY, I think you get the picture. I don't mean to go on and on and on. On every page of pages to go on and on and on, two or three times the President has said we are going to veto that piece of legislation.

We have 170 major pieces of legislation that Republicans have voted for in a bipartisan way. We have 125 pieces of legislation that over 50 Republicans have vote in the affirmative. I think that some of our friends on the other side have to get the picture. And I can tell you, and I am going to yield to you and then I am going to say one more thing and then we are going to yield back, because I want our friend to be able to have an opportunity before 12:00 midnight so he can get in his points. I think I know why that we don't have more Republicans voting in a new direction or voting for change in Washington, DC on behalf of not only their very own constituents, but also on behalf of the American people.

Mr. MURPHY of Connecticut. Mr. MEEK, the President is not running again. The President doesn't have anybody to answer to, so the President is free now to act on his own instincts, to act on his own set of advice. And that means, to the extent that this President was ever listening to the American public, he is not doing it now. He doesn't need to do it. And, as you said before, he is not up for reelection. But every Member of this House, with the exception of those people who are retiring, are.

□ 2315

And so people in the Republican Caucus, our friends on the other side of the aisle, have got to think about what's the motivations behind the President's threats here. Is it because of a political calculation where he wants to be on the right side of where the American people are, or is it because he has no one to answer to any longer?

And sometimes, you know, we get a little bit of frustration when we go back home, Mr. MEEK. People say, well, why hasn't more happened on the war coming to a close? Why haven't you done more to solve our health care problems?

Well, the answer is what happens just up Pennsylvania Avenue. We've put legislation on the President's desk to planfully exit Iraq. He vetoed it. We've put legislation on his desk twice to ensure 4 million more kids. Both times he vetoed it.

Over and over again, with the Republicans and Democrats standing together, we've put legislation on his desk, even under that threat of veto, and he has continued to stand against the American public, Mr. MEEK.

I think we can still have some victories from here to the end of the year. I still think we can have moments where this House comes together and overrides presidential veto.

I can't think of a better bill to exercise the will of the American people as expressed through this House than on

the GI Bill, giving educational benefits to troops. I have no idea why the President has decided to exercise his veto threat against that legislation. If there's anything that we should be able to come together on, it's on supporting our troops when they come back home.

I think we should have done it for those 4 million kids that should have gotten health care insurance. I think that we should have done it when it comes to the withdrawal of our troops from Iraq. But let's at least do it as one final salvo with this Democratic Congress and a Republican President when it comes to standing up for our GIs, Mr. MEEK. It would seem to be the one place, amidst a lot of the times that we disagree here. You named all the moments on which we have agreed. But the culmination of a remarkable amount of agreement, amidst a reputation of disagreement in this House, would be to pass that GI Bill with a veto-proof majority, put it on the President's desk, dare him to veto it, knowing that we're going to have the votes to override when it comes back.

Mr. MEEK of Florida. You know, Mr. MURPHY, it's very interesting. As I speak to fact versus fiction, I can't help but think of our colleague who already, quote-unquote, has the Republican nomination, one of our friends over in the Senate. And he coined something, I think, earlier this week or last week as the slogan for the forward campaign on the Republican side. Change that you Deserve.

Okay. Well, I would say to my Republican colleagues that have decided to follow the leadership, the elected leadership that they have now on the Republican side that are saying stay the course, follow the President, object, what have you. Change that you deserve, I think, is something that one should think about.

Case in point. I'm not a lawyer. I don't play one on television.

Mr. MURPHY of Connecticut. I'm a lawyer, Mr. MEEK, so if you need some help I'll walk you through it.

Mr. MEEK of Florida. That's fine. My wife's a lawyer too, so I'm kind to lawyers. But let me just say, you remember the letter that the Republican leadership wrote to the Speaker?

I don't want you to pay attention over here, I just want you to pay attention over here. The Republican leadership wrote a letter saying, you said you were going to do something about gas prices. We're waiting you to do something about gas prices in America. And we're concerned about all of this, and you have not fulfilled your promise.

And I think that it's important. If we can, I want to put something here because I don't want to have that on the chart there.

Well, let me just for the case of keeping the 30-something piece together, because I don't want to get into names, I'm just going to do this because I don't like to like point out anything as it relates to an individual Member of Congress, even if they're leadership.

But I just want to say, as it relates to doing something about gas prices, these are all the measures that we've passed here in this House that the Republican leadership decided not to vote for. But they want to criticize, and they want to encourage their leaders, I mean, their caucus to vote against change and a new direction.

Now, even the Republican nominee on the Republican side has said change that you deserve. If things were going so well and the policy was so great, why do we have to talk about change that you deserve?

Why can't we say we'll keep doing the things that we've continued to do, and we'll continue to have the problems that we have now?

I'm just saying this to my Republican colleagues, because, not that, you know, many of them are friends of mine. But I'm saying, as it relates to the policy that we have to pass, that the American people need now—we're not here for political purposes. We're here because we want to move an agenda forward.

I think it's important when we look at OPEC price fixing. These are the Republican leaders, or down the leadership line, that voted against that. And when you look at the top individual, as it relates to influence within the caucus, voted no on every last measure that Democrats have put forth, price gouging, renewable energy, energy security.

Second person in charge voted for three of the four that we have put forth before this Congress. Signed the letter.

The third person in charge voted against price gouging and also renewable energy. Those are two votes of the four that have taken place.

The fourth person in charge voted for two measures, voted against it, renewable energy and also energy security, but I said it correctly, voted for two of the measures that we put forward.

The fifth person in charge voted no on every last measure. Signed the letter.

The sixth person in charge voted against every measure that we put forth to be able to give the American people a fighting chance in this whole issue of price gouging, this whole issue of no OPEC. And we call OPEC, these are oil producing companies for price fixing, countries for price fixing, renewable energy, energy security, voted against every last one of them.

On down to the bottom, voted three times against those measures and voted two times.

I said all of that to say that I think that some of these individuals that are influencing the minds of, or the vote of those individuals within the Republican caucus that don't want to be a part of the 177 bipartisan major votes, or don't want to be a part of the 125 votes that we've taken, plus 50 Republicans that have voted for it, I think that the argument, especially when we look at the individual that is, quote-unquote, running on the Republican side for President of the United States, of saying change that you deserve, we speak fact in the 30-Something Working Group and we do not speak fiction.

If it was political, Mr. MURPHY, and I say this in closing, if it was political, we would be home right now, you know, relaxing past 11 o'clock at night.

Mr. MURPHY of Connecticut. Will the gentleman yield for 1 minute?

Mr. MEEK of Florida. Absolutely. You have the last word.

Mr. MURPHY of Connecticut. Your point is this, is that we've seen in the last 2 or 3 weeks, both the Republican minority and our Republican Presidential candidate all of a sudden start to use the word ''change.'' Well, to them it's just a word. To them it's just a part of their slogan.

To the Democratic majority in the House and the Senate, it's what we live by, it's why we're here, it's why we get up in the morning, it's why I gave up my entire life to run for the United States Congress; it's why you have given up 18 hours a day to do this job, because we're here to change the place. It happens to be in everything that we talk about because it's the definition of why we're Members of Congress.

For the Republicans here in the House and the Republican Presidential candidate, it's just a word. And that's what I think the American people are beginning to understand. That's why the American people are turning out in record numbers for our Presidential candidates on the Democratic side, and that's why we have won the last three competitive seats for special elections here in the House, because the voters out there, the American public, are figuring out that change is nothing if it's just a word coming out of your mouth. You've got to live it. You've got to breathe it, which is what we're doing here, Mr. MEEK.

Mr. MEEK of Florida. Mr. MURPHY, I want to thank you for your comments. I couldn't say it better.

Mr. Speaker, in the spirit of bipartisanship, we're going to yield back our hour earlier so my good friend from Texas will be able to share with the Members of the House what he would like to share.

So with that, Mr. Speaker, we yield back the balance of our time.

FOOD FOR FUEL

The SPEAKER pro tempore (Mr. ALTMIRE). Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. BURGESS) is recognized from this moment until midnight.

Mr. BURGESS. I thank the Speaker, and I thank the Members on the Democratic side for yielding back their time early.

Mr. Speaker, I'm going to do something a little different tonight. Normally I come down here to the floor of the House to talk about health care. But we've heard a lot recently about where this country is in regards to its

energy policy. We've heard a lot recently about the high cost of food and foodstuffs, and whether or not that has been related to this country's energy policy.

You can call it what you want. Call it Murphy's Law, Newton's Third Law, or just the plain old law of unintended consequences, but when a government as large as ours is, and I assure you, after being here for 5 years, it is an extremely large Federal Government; but when a government as large as ours mandates the use of anything, there will be downstream effects, downrange effects that sometimes you can't predict and certainly are beyond your control.

A case in point is the growing crisis of food versus fuel and the debate that rages in Congress.

Now, the early part of this month, the 5th of May, I hosted an event billed as Food vs. Fuel: Understanding the Unintended Consequences of United States Policy. I invited representatives from the farming community, food companies, consumers, domestic charities and the press in an attempt to get a 360-degree view of this issue.

Now, just for the record, I want to mention the names of the people who were kind enough to spend the morning with me earlier this month and whose opinions were represented at the round table. And it was a diversity of opinions. This was certainly not a one-sided debate.

We had Jon Doggett from the National Corn Growers Association, their Vice President of Public Policy. We had Scott Faber of the Grocery Manufacturers Association, the Vice President for Federal affairs of that group; Bob Young of the American Farm Bureau, their chief economist. Bob Young is a Ph.D economist. Candy Hill of Catholic Charities, who is a Senior Vice President for Social Policy and Government Affairs, primarily working in the domestic realm. And last but not least, Bob Davis, a reporter for the Wall Street Journal who's reported on a number of international economic issues over the years. And it was really Mr. DAVIS' reports in the Wall Street Journal that prompted my interest in this subject.

When we had assembled this panel of experts, I asked the experts, with the policy now of so much of our corn being turned into fuel, and with food shortages an inevitable result, are America's biofuel programs the cause or the effect?

Now this is kind of ironic because we just voted again on the farm bill today. But here's a poster that shows perhaps some of the consequences or the unintended consequences of putting corn in the gas tank and ignoring other needs, other uses that that ear of corn might go to.

Has Congress been fooled into a bad fuel policy at the expense of our national food supply?

I went into this round table with an open mind. We had a panel that was really evenly distributed. Certainly there was no stacked deck against anyone or in favor of any one particular policy. And perhaps it's unique for a Member of Congress to not arrive at a conclusion until looking at the data.

So this food versus fuel matchup, is, in my opinion, another example of the law of unintended or unforeseen consequences. And, of course, the symptoms are all around us. They're impossible to deny. You turn on the TV, you click on your Internet, you read about the ever escalating cost of food prices, both domestically and across the globe, and the news is frequently paired with stories of shortages, heart rending stories of shortages, and the resulting unrest that food shortages cause abroad.

On April 14, the Wall Street Journal reported ''surging commodity prices have pushed global food prices 83 percent upward in the last 3 years.''

My hometown paper, the Fort Worth Star Telegram, the newspaper of the largest city in my district, on May 2 of this year, they had an opinion piece in the Star Telegram that discussed how the indirect cost of ethanol hurt Texans at the grocery store.

□ 2330

Mr. Speaker, just recently, according to the Bureau of Logic Or Statistics, between the beginning of March and the beginning of May when I held this hearing, a dozen eggs, the price was up 35 percent; a gallon of milk, the price was up 23 percent; a loaf of bread, the price was up 16 percent.

Now, we still need to eat and so Americans are getting creative in which groceries they purchase, and they're using grocery store coupons in record rates. In 2007 alone, consumers redeemed 1.8 billion coupons, an increase of over 100 billion coupons from the previous year. Now overall, the Department of Agriculture estimates that food prices will jump 4 to 5 percent this year.

Now, those price increases may seem modest, but for the poorest Americans who spend a greater portion of their family budgets on food, it is, in fact, becoming a tremendous burden.

Cherries across the country are being challenged by the rising food prices. It's more expensive to buy food. Donations are going down, and more people are then turning to charities for assistance.

So they've got a rising population that is coming in and asking for help, and their prices that they have to pay in order to provide that help is going up. And clearly those two are on unsustainable paths.

Catholic Charities USA, one of the largest social networks in helping almost 8 million people a year, has seen a 60-percent increase in people seeking food and nutrition services across the country since 2002. In 2006 alone, Catholic charities saw a 12-percent increase in the number of individuals seeking help in order to provide food for themselves and their families.

Rising food prices are not merely a domestic issue. They have international implications as well.

Let me share this poster, and this is from a recent Washington Post series called, The Global Food Crisis, which depicts the haves versus the have-nots in the industrial world versus developing countries. And this graphic reads, ''North America helps feed the world supplying about half of the growable grain exports. People in developing countries spend up to 80 percent of their money on food. So when food prices rise sharply, partially as a result of supply changes in North America and other producing countries, the world's poor feel it the most right in the gut.''

The results of tighter supplies are reverberating literally across the globe, and they do have dire consequences. In Haiti, the capital city of Port-au-Prince, rioters have taken to the streets to protest higher food prices. The violence has gotten so significant that in fact it resulted in a governmental change in that country. Similar unrest has erupted in Egypt, Cameroon, the Ivory Coast, Senegal, and Ethiopia.

May 5 was prior to the devastating events, the cyclone in Burma and the earthquake in China. I submit that all of these problems that were of significant proportion on May 5 of this year have now gotten that much larger because of the results of those twin catastrophes, and we're only just now about to enter into hurricane season in this country.

Robert Zoellick, the president of the World Bank, estimates that 33 countries are in danger of experiencing similar unrest as a result of food prices and food shortages. While food shortages hurt people the most, they also harm American policy. One of our greatest diplomatic strengths is through foreign aid. Last week, President Bush requested an additional $770 million in emergency food assistance for poor countries responding to rising food prices that have caused social unrest in several nations.

So what is the conventional wisdom on higher grocery bills here at home and lower food stores at an international level?

In my previous life of as a physician, I was given to making diagnoses. My diagnosis in this situation, as a result of many experts saying that the United States' biofuel policy is to blame for increase in food prices and a decrease in food supplies; the argument then is that Federal mandates to produce more biofuels have, number one, diverted more crops from food to fuel, and two, increased the demand for crop building blocks like fertilizer, water, and transportation. And those inputs have increased the cost of biofuel costs like corn and soybeans and other nonbiofuel crops like rice and wheat as well.

The International Food Policy Research Institute suggests that biofuel production accounts for a quarter to a

third of the recent increases in global commodity prices. Within the United Nations, the Food and Agricultural Organization has predicted that biofuel production, assuming current mandates continue, will increase food costs by 10 to 15 percent. That's an important point: assuming current mandates continue an additional 10 to 15 percent, in addition to the 5 percent rise that we've already seen this year.

Well, let's talk a minute because there is some confusion on what is a biofuel.

If you Google ''biofuel'' on the Internet, you will find out the following: A biofuel is defined as a solid, liquid, or gas fuel containing or consisting of or derived from recently dead biological material, most commonly plants. This distinguishes it from fossil fuel which is derived from biological material that has long been dead—been dead a long time. And what are the building blocks of biofuel? Commodities like corn, soybeans, sugarcanes, vegetable oil that can be used either as food or to make biofuels.

And probably the best or most well-known biofuel is, of course, ethanol. In the United States, the primary source of ethanol is from corn currently, 95 percent. Ethanol is a type of alcohol made by fermenting and distilling simple sugars. It's the same compound that's found in our alcoholic beverages, and its primary use in the United States, as a fuel, is as an additive to gasoline.

Now, the ethanol policy in this country goes back to the Arab oil embargoes of 1973 and 1979. Since that time, the production of fuel ethanol has been encouraged through the Federal tax incentives of ethanol-blended gasoline.

In 2005 when the Republicans were in control of Congress, the Energy Policy Act established a renewable fuel standard which mandated the use of ethanol. 7.5 billion gallons of renewable fuel must be blended with the Nation's gasoline by 2012.

But then last year right at the end of the year, Congress passed the Energy Independence and Security Act which increased this renewable fuel standard to require 36 billion gallons of biofuel additives for transportation fuels by 2022.

Now, according to the United States Department of Agriculture, 3.2 billion bushels of corn will be used to produce roughly 6 billion gallons of fuel ethanol during the current corn marketing year, September 2007 through the end of August of 2008.

Well, let's talk a little bit about corn because it is important.

This poster tells a little bit about two different types of corn: field corn and sweet corn. Field corn is the most—is what is mostly grown in America. It's primarily used to feed livestock and to produce ethanol. So field corn is used for fuel, and sweet corn is used for human consumption.

This graphic also explains to some degree how the field corn is used. The pie chart there at the bottom shows a little less than half, about 47 percent of field corn, the type of corn used to produce ethanol, was used for animal feed; about a quarter, 24 percent, was used for ethanol; 19 percent was exported, and 10 percent was used for direct human consumption in various forms.

Now, those who believe biofuels are to blame for rising food prices argue that its fundamentally wrong to divert food meant for tables into gas tanks when there are those going hungry both here at home and abroad. Additionally, they argue that ethanol production is fighting off a potential environmental crisis and a potential dependence on foreign oil, but we face an actual crisis in food production in the United States.

Ethanol opponents also point to significant scientific research regarding the environmental impacts of ethanol production. And what are they? It's important to look at those environmental impacts.

Scientific research shows that the use of crop lands for biofuels actually increases greenhouse gasses through emissions from land-use change. Work by Tim Searchinger of the Georgetown Environmental Law and Policy Institute, which recently appeared in Science magazine, argues that the land-use change from forest to grassland to new cropland nearly doubles greenhouse grass emissions over 30 years and increases those greenhouse gasses for over 150 years.

The important innovation in this research is that prior studies would show a 20-percent savings in emissions neglect the impact of land-use change, and clearly the doctor's work shows that that is significant.

Now, as farmers respond to the rising demand for corn, they create new cropland, and they create that what? Out of grassland and forest. Plowing up more forest or grassland releases more of the carbon dioxide previously stored or more of carbon previously stored in plants and soils through decomposition and that which is burned when fields are cleared by burning.

Also, the loss of forests and grasslands prevents the plants from performing their own form of carbon sequestration in the stocks and leaves and roots of the plant.

Significant critiques have risen from this research. For example, Searchinger's work supposes that there's a constant yield per acre of corn, but if an acre of corn yield has increased over 300 percent since 1944, then new technologies have contributed to a 30 percent increase in the last decade. Research conducted by the National Academy of Sciences shows the biofuel mandates are contributing to air pollution, water pollution, and they do compound water shortages.

Now, on the other side, and we heard from the other side during this hearing, those who support the use of corn for ethanol. In terms of economic security, ethanol supporters argue that the production of biofuels goes a long way in helping end our dependence on foreign oil. We can grow our own fuel here at home thus supporting our domestic economy. At the same time, we don't have to rely on rogue regimes in unstable parts of the world for the vast majority of our fuel needs which enhances our national security.

The rising prices of food aren't caused by biofuel mandates, per se. Growing demand in global markets, especially China and India, drive up the price. Additionally, they point out that shortages caused by bad weather in places like Australia, and in fact they point out that—people who support the use of biofuels point out that climate change may be to blame since certain areas of the world where grain was once grown no longer have the weather to support those types of crops.

Another issue that is often brought up is meat consumption in China has risen from 25 kilograms per person in 1995 to over 50 kilograms per person in 2007. On average, it takes 5 kilograms of grain to produce 1 kilogram of meat, while the demand for meat has grown 28 kilograms per person. The resulting demand for grain has increased by 7.8 billion bushels.

So with these two conflicting and opposing viewpoints, what do you think? Is it biofuels that are causing the high grocery prices, or is it just a result of natural forces within the world? And if the issue is that increased biofuels production is contributing to the high cost of food, what would be the answer? What would be the prescription for curing that ailment?

So certainly we're going to continue to provide hunger relief both here and at home. But we could look at freezing the renewable fuel standards and rolling back some biofuel mandates, certainly providing increased incentives to make breakthroughs on cellulosic ethanol so we won't be using our food to fuel our cars.

And that may be what is at the central part of this argument. As well intentioned as the policy was in 2005 when the Republican House of Representatives dictated renewable fuel standard, and as forward-thinking as it was in December of this past year when the Democratic House increased that renewable fuel standard, it all depended upon the advancement in technology.

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We can't continue to turn this much foodstuff into fuel for our automobiles and trucks. We depend upon this policy, depend upon the advancement, the breakdown of the cellulose in the plant wall to make ethanol and not distilling of ethanol from the starch and sugars that are contained in the grain component.

Until we achieve that breakthrough of cellulosic ethanol, and I believe it will occur one day, but until that time occurs, it is almost not reasonable to

assume that we will be able to meet the country's growing transportation fuel demands through production of ethanol, certainly by diverting our foodstuff into that product.

Another thing that we could do, and this was a point that was so eloquently stated by Mr. Davis in the Wall Street Journal, we can change the way the United States handles its delivery of foreign aid, the commodity versus cash approach. The current approach is to buy excess United States production of grain and then deliver that product to the country where the crisis exists, but if we were to shift that approach and begin supporting local agriculture in developing Nations, it could break the cycle of dependence on foreign aid and break the cycle of hunger and famine.

I don't think there's any question at this point that we have to be looking at other sources. Now, we had a pretty interesting debate on the floor of this House this past week, and we heard the Democrats talk about that in their last hour. This was the debate about the temporary stoppage of filling what's known as the Strategic Petroleum Reserve. Now it's a small amount that would actually be put back in to increase supply in this country, but for the first time, for the first time, there appeared to be genuine, bilateral, bipartisan agreement that increasing supply was a way to positively affect fuel prices here in this country.

Every other debate that we've had, certainly since I've been in Congress, when it comes down to an issue of increasing supply, generally 90 percent of the people on my side of the aisle are in favor of it, and 90 percent of the people on the other side of the aisle are opposed. ANWR is perhaps the poster child for this, and we heard a great deal about that in the hour previous to the last hour when Mr. PETERSON from Pennsylvania talked about where we would be today had then-President Clinton not vetoed the provision that would have allowed drilling in ANWR in 1996, some 12 years ago.

We're told it would take 7 to 8 to 10 years to actually deliver finished product out of ANWR into the marketplace in this country. Well, guess what, if we had started that in 1996, we'd be using that oil today, and we wouldn't be feeling the repercussions in the price at the pump that we see today. There wouldn't be the pressure on diverting food into fuel if only we'd paid attention to supply.

But maybe that day is at hand. Again, we had broad bilateral commitment, broad bipartisan commitment, both sides of the aisle in this House that said temporarily we're going to stop filling the Strategic Petroleum Reserve because, my opinion at least, there was broad bipartisan agreement that increasing supply even just a little bit would be a positive effect on prices at the pump.

So how much more good could we do if we moved off that minuscule amount and looked at some of the other ways to increase the supply? Now there's not a person in this Congress, I don't think, that feels that someday we're going to get a lot of our fuels from different sources than we see today, but right now, it's coal, it's natural gas, it's oil. That's what's available to drive our economy, and sure, we may want to pivot to a day where that energy production comes from somewhere else, but until we get there—and we are not there yet on cellulosic ethanol by a long shot, and if we turn all this stuff into ethanol for our cars, we have unintended consequences and unintended repercussions downrange and downstream that are quite severe.

So this Congress really needs to take a serious look at ways that we can increase supply because, again, apparently all agree that increasing supply is going to be a good thing as far as its effect on fuel prices in this country.

So maybe ANWR's too emotional. Maybe we can't do it. Maybe we just have to leave that one in the too-hard box for a little while, and I would say, okay, but bring us your ideas from the other side of the aisle. Let's not make it all about turning this stuff into something we can put in our automobiles. Let's make it about how do we deliver more usable energy for the American people, how do we maintain the American economy.

Is it going to be nuclear? We can talk about that. I'd love it if we talked about that. Is it going to be drilling on the Outer Continental Shelf as Mr. PETERSON outlined or in the Intermountain West, to the oil shales in Canada? The fact is, we've got reliable supplies of energy here at home, but we've put an embargo on American energy and that, quite frankly, just simply does not make any sense.

But it was a new day here in Congress this week when both sides, in a bipartisan fashion, said, by golly, increasing supply is going to be a good thing for the American energy consumer, and we're going to do that. And we only did a little bit by temporarily stopping filling the Strategic Petroleum Reserve, but maybe that new day has dawned and we're now going to have a meaningful discussion on where the common ground is, where we can meet in the middle and work on increasing that supply for the American people.

Because, quite honestly, until we get to the day of the promise of cellulosic ethanol, this is not going to be a formula for success, and in fact, unintended consequences of this behavior may have absolutely devastating and dire consequences around the world.

You know, the law of unintended consequences used to be that it took almost a generation for those unintended consequences to come home and to come back around and work their effect. But we're in a time now where the effect of unintended consequences can be felt very, very quickly.

We heard in the last hour the discussion about the reauthorization of higher education and student loans. Well, remember, we did something to student loans in September of last year. Then we had to turn around and undo it in April or May of this year because of the unintended consequences and the fact that we were driving up interest rates at the same time that availability of credit was coming down. And we were worried that no student loans were going to be available when this summer's crop of students went to apply for those loans in June, July and August.

Unintended consequences have a way of coming around extremely quickly, and the unintended consequences of increasing the renewable fuel standard that this Congress undertook in December of 2007 has very quickly come home and the repercussions and reverberations are being felt around the world, and it's leading to instability in governments in this hemisphere.

Is that something we want? We always talk about the world that we want to leave for our children. Is that the type of world we want to leave for our children where worldwide hunger and worldwide deprivation lead to instability in developing countries? I don't think so.

I think it is time that this Congress needs to take action. After all, part of this crisis is of our doing. We should understand, this Congress should understand, the leadership of this Congress should understand about unintended consequences.

Now a lot of people who serve in this House are politicians, and that's not a great surprise. And politicians have the urge to respond to public opinion and try to mold their policies to reflect public opinion. But we need to be careful when we respond like that. As policymakers, we have an obligation to enact, well, responsible policy. That's what we're sent here to do. We're sent here to find sensible solutions.

Now Congress can't control foreign demand. Congress, I don't think, can control the weather. There may be some in this body who feel that they can, but we can address the effect of unintended consequences of our biofuel policy which diverts a quarter of our national corn supply to ethanol production, a quarter, a quarter of our annual national corn supply to ethanol.

Congress and our President have nothing but good intentions—we care so deeply about people—nothing but good intentions in promoting the expansion of renewable fuels, but ethanol is not the energy security silver bullet that many people believe it to be.

Last year, we burned 24 percent of our national corn supply as fuel, and we reduced our oil consumption by almost 1 percent. Unintended consequences are almost always unenvisioned consequences as well. If you lack the vision to look over the horizon and see what's coming next, unintended consequences are likely right around the corner.

Obviously it was not the intent to cause distress both at home and

abroad, but good intentions are not sufficient cause for Congress to plant its head in the sand and ignore what is becoming increasingly obvious.

Our renewable standard is creating problems with food prices here at home and food shortages abroad. It's leading to destabilization of world governments because of the effect of hunger and deprivation in developing countries. It is time for this Congress to get it right. It's time for this Congress to reexamine those renewable fuel standards, back off for a while until the price situation stabilizes in the world market. And we have to get serious about increasing energy supply to run this economy, to run what Ronald Reagan described as the last best hope on Earth for democracy.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CARTER (at the request of Mr. BOEHNER) for today after 3 p.m. on account of a family medical emergency.

Mr. COBLE (at the request of Mr. BOEHNER) for today until 4:30 p.m. on account of attending the graduation ceremony at the United Stated Coast Guard Academy.

Mr. SENSENBRENNER (at the request of Mr. BOEHNER) for today until 4:30 p.m. on account of a doctor's appointment.

Mr. TIAHRT (at the request of Mr. BOEHNER) for today on account of a funeral in the district.

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. MURPHY of Connecticut) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. MURPHY of Connecticut, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. LANGEVIN, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. BARRETT of South Carolina, for 5 minutes, today.

Mr. TANCREDO, for 5 minutes, today.

Mr. CALVERT, for 5 minutes, today and May 22.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 79. Concurrent resolution congratulating and saluting Focus: HOPE on its 40th anniversary and for its remarkable commitment and contributions to Detroit, the State of Michigan, and the United States; to the Committee on Oversight and Government Reform.

BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on May 20, 2008 she presented to the President of the United States, for his approval, the following bill.

H.R. 2419. To provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

ADJOURNMENT

Mr. BURGESS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 56 minutes p.m.), the House adjourned until tomorrow, Thursday, May 22, 2008, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-Authorized Official Travel during the fourth quarter of 2007 and the first quarter of 2008, pursuant to Public Law 95–384 are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Michael Burgess	2/20	2/24	Kuwait		[3] 328.00						328.00
			Iraq								
			Pakistan								
			Afghanistan								
Commercial Air Fare							8,022.00				8,022.00
Hon. Barbara Cubin	2/15	2/21	Brazil		1,616.00		[5]				1,616.00
Hon. Barbara Cubin	3/24	3/25	Egypt		278.00		[5]				278.00
	3/25	3/26	Afghanistan		75.00		[5]				75.00
	3/26	3/29	Pakistan		998.31		[5]				998.31
	3/29	3/30	Czech Republic		431.12		[5]				431.12
Hon. John Shimkus	1/16	1/19	Lithuania		255.00						255.00
Commercial Air Fare							8,057.39				8,057.39
Vito Fossella			England		[4]						
			France		[4]						
Commercial Air Fare							8,429.01				8,429.01
Round trip rail fare: London/Paris							434.00				434.00
Committee total					3,981.43		24,942.40				28,923.83

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Per diem used in Kuwait only.
[4] Per diem to be provided on amended report.
[5] Military air transportation.

HON. JOHN D. DINGELL, Chairman, May 8, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. John Tanner	12/31	1/2	New Zealand		300.00						300.00
	1/2	1/4	Antarctica								
	1/4	1/5	New Zealand		156.00						156.00
	1/5	1/7	Australia		350.00						350.00
Hon. John Larson	1/7	1/8	Canada		288.00			485.14			773.14
	1/8	1/12	United Kingdom		650.00			1,877.34			2,527.34

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2008—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Jon Porter	1/7	1/9	France		376.00		8,545.21				8,921.21
	1/10	1/11	Azerbaijan		188.00						188.00
	1/11	1/15	Turkey		342.00						342.00
Hon. Phil English	1/5	1/9	France		376.00		8,545.21				8,921.21
	1/10	1/11	Azerbaijan		188.00						188.00
	1/11	1/15	Turkey		432.00						432.00
Hon. Phil English	1/18	1/19	Belgium		433.53						433.53
	1/20	1/21	Afghanistan								
	1/21	1/22	Germany		49.00						49.00
Hon. Allyson Schwartz	1/24	1/25	Kuwait		228.00		8,036.76				8,264.76
	1/25	1/25	Iraq		228.00						228.00
	1/25	1/26	Kuwait		228.00						228.00
Hon. Jerry Weller	2/16	2/18	Ecuador		590.00						590.00
	2/19	2/20	Bolivia		318.00						318.00
	2/21	2/23	Argentina		313.00						313.00
Hon. Devin Nunes	3/24	3/24	Cape Verde		242.58						242.58
	3/25	3/28	South Africa		1,468.94						1,468.94
	3/28	3/30	Ghana		528.00						528.00
	3/30	3/31	Cape Verde		295.70						295.70
Committee total					8,568.75		25,127.18	2,362.48			36,058.41

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. CHARLES B. RANGEL, Chairman, May 14, 2008.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6741. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 07-06, pursuant to 31 U.S.C. 1517(a); to the Committee on Appropriations.

6742. A letter from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Extension of Authority to Carry Out Certain Prototype Projects [DFARS Case 2008-D008] (RIN: 0750-AF93) received April 22, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6743. A letter from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Deletion of Obsolete Restriction on Acquisition of Vessel Propellers [DFARS Case 2007-D027] (RIN: 0750-AF91) received April 22, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6744. A letter from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Excessive Pass-Through Charges [DFARS Case 2006-D057] (RIN: 0750-AF67) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6745. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the 38th report required by the FY 2000 Emergency Supplemental Act, pursuant to Public Law 106-246, section 3204(f); to the Committee on Armed Services.

6746. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Defense Priority and Allocations System (RIN: 1991-AB69) received March 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6747. A letter from the Assistant General Counsel for Regulations, Office of General Counsel, Department of Education, transmitting the Department's final rule — Notice of Final Priority, Definitions, Requirements, and Selection Criteria — received May 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

6748. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Use of Materials Derived From Cattle in Human Food and Cosmetics [Docket No. 2004N-0081] (RIN: 0910-AF47) received May 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6749. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Meeteetse, Wyoming, Fruita, Colorado, Ashton, Burley, Dubois, Idaho Falls, Pocatello, Rexburg, Shelley, Soda Springs, and Weston, Idaho, Lima, Montana, American Fork, Ballard, Brigham City, Centerville, Delta, Huntington, Kaysville, Logan, Manti, Milford, Naples, Oakley, Orem, Price, Randolph, Roosevelt, Roy, Salina, South Jordan, Spanish Fork, Vernal, Wellington, and Woodruff, Utah, Diamondville, Evanston, Kemmerer, Marbleton, Superior, Thayne, and Wilson, Wyoming) [MB Docket No. 05-243 RM-11363 RM-11364 RM-11365] Received April to the Committee on Energy and Commerce.

6750. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion To Digital Television [MB Docket No. 07-91] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6751. A letter from the Deputy Chief, Wireline Comp. Bur., Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Promotion of Competitive Networks in Local Telecommunications Markets [WT Docket No. 99-217] received May 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6752. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of DTV Consumer Education Initiative [MB Docket No. 07-148] received May 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6753. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Carriage of Digital Television Broadcast Signals: Amendment to Part 76 of the Commission's Rules; Implementation of the Satellite Home Viewer Improvement Act of 1999: Local Broadcast Signal Carriage Issues and Retransmission Consent Issues [CS Docket No. 00-96 CSR-5978-M] received May 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6754. A letter from the Deputy General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6755. A letter from the General Counsel, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6756. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6757. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6758. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6759. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6760. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6761. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine

Act during the calendar year 2007, pursuant to 5 U.S.C. 552b(j); to the Committee on Oversight and Government Reform.

6762. A letter from the Director, Office of Standards and Variances, Department of Labor, transmitting the Department's final rule — Sealing of Abandoned Areas (RIN: 1219-AB52) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6763. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a copy of a draft bill entitled, ''the National Park System Uniform Penalty Amendment Act''; to the Committee on Natural Resources.

6764. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a copy of a draft bill entitled, ''To designate as wilderness certain lands within the Pictured Rocks National Lakeshore in the State of Michigan''; to the Committee on Natural Resources.

6765. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a copy of a draft bill entitled, ''To modify the boundary of the Voyageurs National Park in the State of Minnesota''; to the Committee on Natural Resources.

6766. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a copy of a draft bill entitled, ''To adjust the wilderness boundary at Lava Beds National Monument in the State of California, and for other purposes''; to the Committee on Natural Resources.

6767. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a copy of a draft bill entitled, ''the Cape Cod National Seashore Advisory Commission Reauthorization Act''; to the Committee on Natural Resources.

6768. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a copy of a draft bill entitled, ''To rename Martin Luther King, Junior, National Historic Site in the State of Georgia, as 'Martin Luther King, Junior, National Historic Park' ''; to the Committee on Natural Resources.

6769. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a copy of a draft bill entitled, ''the Rio Grande Wild and Scenic River Boundary Adjustment Act of 2008''; to the Committee on Natural Resources.

6770. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a copy of a draft bill entitled, ''To authorize the Secretary of the Interior to administer the Juan Bautista de Anza National Historic Trail in coordination with appropriate entities in Mexico, and for other purposes''; to the Committee on Natural Resources.

6771. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a copy of a draft bill entitled, ''Abraham Lincoln Birthplace National Historic Park Act of 2008''; to the Committee on Natural Resources.

6772. A letter from the Director, National Park Service, Department of the Interior, transmitting the Department's annual report on the accomplishments of the cultural resources programs of the National Park Service during Fiscal Year 2006; to the Committee on Natural Resources.

6773. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Seals and Insignia (RIN: 3245-AF68) received May 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

6774. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Standards; Adoption of 2007 North American Industry Classification System for Size Standards (RIN: 3245-AF66) received May 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

6775. A letter from the Director, Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Graves Marked with a Private Headstone or Marker (RIN: 2900-AM93) received May 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

6776. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Certification Requirements for Imported Natural Wine (2005R-002P) [Docket No. TTB-2007-0006; T.D. TTB-70; Re: T.D. TTB-31 and Notice No. 51] (RIN: 1513-AB00) received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6777. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Relief for Recipients of Certain Direct Deposits of 2008 Economic Stimulus Payments [Announcement 2008-44] received May 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6778. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the 2007 Annual Report on United Nations voting practices, pursuant to Public Law 101-246, section 406; jointly to the Committees on Foreign Affairs and Appropriations.

6779. A letter from the Chairman, National Transportation Safety Board, transmitting a legislative proposal and justification to amend the Independent Safety Board Act of 1974 to provide authorization for the National Transportation Safety Board; jointly to the Committees on Transportation and Infrastructure, Oversight and Government Reform, and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WAXMAN: Committee on Oversight and Government Reform. H.R. 4106. A bill to improve teleworking in executive agencies by developing a telework program that allows employees to telework at least 20 percent of the hours worked in every 2 administrative workweeks, and for other purposes; with an amendment (Rept. 110–663). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Oversight and Government Reform. H.R. 4791. A bill to amend title 44, United States Code, to strengthen requirements for ensuring the effectiveness of information security controls over information resources that support Federal operations and assets, and for other purposes; with an amendment (Rept. 110–664). Referred to the Committee of the Whole House on the State of the Union.

Mr. REYES: Permanent Select Committee on Intelligence. H.R. 5959. A bill to authorize appropriations for fiscal year 2009 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; with an amendment (Rept. 110–665). Referred to the Committee of the Whole House on the State of the Union.

Mr. CARDOZA: Committee on Rules. H. Res. 1218. A resolution providing for consideration of the bill (H.R. 5658) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes (Rept. 110–666). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HONDA (for himself, Mr. BOSWELL, Mr. COHEN, Mr. CLEAVER, Mr. DAVIS of Illinois, Mr. EHLERS, Mr. GALLEGLY, Mr. GRIJALVA, Mr. HINOJOSA, Mr. HOLT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LANGEVIN, Ms. LEE, Mr. LIPINSKI, Mr. LOEBSACK, Ms. ZOE LOFGREN of California, Mr. MARKEY, Mrs. MCCARTHY of New York, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNERNEY, Mr. MEEKS of New York, Mr. GEORGE MILLER of California, Mr. PAYNE, Mr. ROTHMAN, Ms. SUTTON, Mr. TOWNS, Mr. UDALL of Colorado, Mr. VAN HOLLEN, Ms. WATSON, Mr. WEXLER, Mrs. DAVIS of California, Mrs. CAPPS, Mrs. NAPOLITANO, Mr. HARE, Mr. COURTNEY, Mr. SARBANES, Ms. CLARKE, and Ms. LINDA T. SÁNCHEZ of California):

H.R. 6104. A bill to provide for the coordination of the Nation's science, technology, engineering, and mathematics education initiatives; to the Committee on Education and Labor, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCOTTER (for himself, Mr. JONES of North Carolina, and Mr. CARTER):

H.R. 6105. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to require that concurrent resolutions on the budget limit the growth of Federal spending to the mean of annual percentage growth of wages and gross domestic product (GDP) in the United States, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committees on Rules, the Budget, and 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 Mrs. BONO MACK:

H.R. 6106. A bill to amend the Internal Revenue Code of 1986 to temporarily reduce the excise tax on diesel fuel and kerosene to the rate applicable to gasoline; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska (for himself and Mr. BARTLETT of Maryland):

H.R. 6107. A bill to direct the Secretary of the Interior to establish and implement a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain of Alaska, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Energy and Commerce, and Science and

Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MYRICK (for herself, Mr. CULBERSON, Mrs. EMERSON, Mr. CANTOR, Mr. REGULA, Mr. TERRY, Mr. SOUDER, Mr. BISHOP of Utah, Mr. KINGSTON, Mr. LINDER, and Mrs. DRAKE):

H.R. 6108. A bill to provide for exploration, development, and production activities for mineral resources on the outer Continental Shelf, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Science and Technology, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBERSTAR (for himself, Mr. MICA, Ms. NORTON, and Mr. GRAVES):

H.R. 6109. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the pre-disaster hazard mitigation program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. RYAN of Wisconsin:

H.R. 6110. A bill to provide for the reform of health care, the Social Security system, the tax code for individuals and business, and the budget process; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Education and Labor, Rules, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS (for himself, Ms. WOOLSEY, Mr. MICHAUD, Mr. GEORGE MILLER of California, Ms. SHEA-PORTER, Mr. DAVIS of Illinois, Mr. MCDERMOTT, Mr. HOLT, Mr. KILDEE, Mr. HARE, Mr. PAYNE, Mr. GRIJALVA, Mr. WU, Ms. CLARKE, Mr. TIERNEY, Ms. LINDA T. SÁNCHEZ of California, Mr. SARBANES, Mrs. MCCARTHY of New York, Mr. BISHOP of New York, Mr. LOEBSACK, Mr. SCOTT of Virginia, Mr. KUCINICH, Ms. HIRONO, and Mr. HINOJOSA):

H.R. 6111. A bill to amend the Fair Labor Standards Act to require employers to keep records of non-employees who perform labor or services for remuneration and to provide a special penalty for employers who misclassify employees as non-employees, and for other purposes; to the Committee on Education and Labor, 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. BACA:

H.R. 6112. A bill to provide for the monitoring of the long-term medical health of firefighters who responded to emergencies in certain disaster areas and for the treatment of such firefighters; to the Committee on Energy and Commerce, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BOYDA of Kansas:

H.R. 6113. A bill to amend title 44, United States Code, to require each agency to include a contact telephone number in its collection of information; to the Committee on Oversight and Government Reform.

By Mr. DOYLE (for himself and Mr. DENT):

H.R. 6114. A bill to amend the Veterans' Benefits and Services Act of 1988 relating to testing for infection with the human immunodeficiency virus; to the Committee on Veterans' Affairs.

By Mr. FRANK of Massachusetts:

H.R. 6115. A bill to amend title 1, United States Code, to eliminate any Federal policy on the definition of marriage; to the Committee on the Judiciary.

By Mr. GRIJALVA:

H.R. 6116. A bill to allow homeowners of moderate-value homes who are subject to mortgage foreclosure proceedings to remain in their homes as renters; to the Committee on Financial Services.

By Mr. HILL:

H.R. 6117. A bill to require the Comptroller General of the United States to analyze the impacts of Federal regulations on small businesses; to the Committee on Small Business.

By Mr. MORAN of Virginia:

H.R. 6118. A bill to amend the charter of the Gold Star Wives of America to remove the restriction on the federally chartered corporation, and directors and officers of the corporation, attempting to influence legislation; to the Committee on the Judiciary.

By Mr. ROSS (for himself and Mr. VAN HOLLEN):

H.R. 6119. A bill to amend part B of title XVIII of the Social Security Act to make a technical correction to ensure that all physicians, as defined for purposes of the Medicare Program, are permitted to perform required face-to-face examinations and prescribe Medicare covered durable medical equipment, prosthetics, orthotics, and supplies; 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 Ms. LINDA T. SÁNCHEZ of California (for herself, Ms. BERKLEY, Ms. BORDALLO, Mr. CASTLE, Mr. CHABOT, Mr. ELLSWORTH, Mr. LANGEVIN, Mrs. MCCARTHY of New York, and Mr. KENNEDY):

H.R. 6120. A bill to direct the Attorney General to provide grants for Internet crime prevention education; to the Committee on the Judiciary.

By Mr. TURNER (for himself, Mr. UDALL of Colorado, and Mr. PERLMUTTER):

H.R. 6121. A bill to provide for health care benefits for certain nuclear facility workers; to the Committee on Energy and Commerce.

By Mr. WALZ of Minnesota (for himself, Mr. FILNER, Mr. LOEBSACK, Mr. HALL of New York, Ms. MCCOLLUM of Minnesota, Mr. ELLISON, Mr. BRADY of Pennsylvania, Mrs. BOYDA of Kansas, Mrs. CAPPS, Mr. HINCHEY, Mr. MICHAUD, Mr. KAGEN, Mr. JOHNSON of Georgia, Mr. ANDREWS, Mr. HARE, Mr. OBERSTAR, and Mr. RAMSTAD):

H.R. 6122. A bill to direct the Secretary of Veterans Affairs to develop and implement a comprehensive policy on the management of pain experienced by veterans enrolled for health care services provided by the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SPACE (for himself, Ms. PRYCE of Ohio, Mrs. SCHMIDT, Mr. WILSON of Ohio, Ms. KAPTUR, Mr. RYAN of Ohio, Ms. SUTTON, Mr. REGULA, Mr. TIBERI, Mrs. JONES of Ohio, Mr. TURNER, and Mr. HOBSON):

H.J. Res. 86. A joint resolution recognizing the efforts of the Ohio Department of Mental Health and the Ohio Department of Alcohol and Drug Addiction Services to address the stigma associated with mental health and substance use disorders; to the Committee on Energy and Commerce.

By Mr. WEINER:

H.J. Res. 87. A joint resolution limiting the issuance of a letter of offer with respect to a certain proposed sale of defense articles and defense services to the Kingdom of Saudi Arabia; to the Committee on Foreign Affairs.

By Ms. LEE (for herself, Mr. MCDERMOTT, Mr. GRIJALVA, and Mr. COHEN):

H. Con. Res. 360. Concurrent resolution recognizing the important social and economic contributions and accomplishments of the New Deal to our Nation on the 75th anniversary of legislation establishing the initial New Deal social and public works programs; to the Committee on Oversight and Government Reform.

By Ms. BALDWIN (for herself and Mrs. BONO MACK):

H. Res. 1217. A resolution expressing the sense of the House of Representatives that the prevention of mental disorders and substance abuse among children, youth, and young adults, and the promotion of mental health and wellness among these populations, should be a public health priority; to the Committee on Energy and Commerce.

By Mr. LATTA:

H. Res. 1219. A resolution celebrating the symbol of the United States flag and supporting the goals and ideals of Flag Day; to the Committee on Oversight and Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 154: Mr. LOBIONDO, Ms. DELAURO, Mr. CALVERT, Mr. VAN HOLLEN, and Mr. DOOLITTLE.

H.R. 245: Mr. RAMSTAD and Mr. CULBERSON.

H.R. 346: Mr. CARSON.

H.R. 369: Mr. CARSON.

H.R. 418: Mrs. BACHMANN and Mr. CARSON.

H.R. 423: Mr. DINGELL.

H.R. 463: Mr. TIM MURPHY of Pennsylvania.

H.R. 506: Mr. BISHOP of Georgia.

H.R. 552: Mr. KING of Iowa and Mr. CUMMINGS.

H.R. 583: Ms. MATSUI.

H.R. 594: Mr. HILL.

H.R. 642: Mr. LANGEVIN.

H.R. 661: Mr. MICHAUD.

H.R. 715: Mrs. NAPOLITANO.

H.R. 726: Mr. CUMMINGS.

H.R. 871: Mr. SHAYS.

H.R. 971: Mr. SCOTT of Virginia.

H.R. 1032: Mr. UDALL of Colorado and Mr. ORTIZ.

H.R. 1043: Mr. PAYNE.

H.R. 1064: Mr. MARKEY.

H.R. 1069: Mr. CARSON.

H.R. 1148: Mr. ROTHMAN.

H.R. 1157: Mr. TIBERI and Mr. Cohen.

H.R. 1185: Mr. GONZALEZ.

H.R. 1193: Mr. KUHL of New York, Mr. LOEBSACK, and Mr. KAGEN.

H.R. 1283: Mr. GARRETT of New Jersey and Ms. HARMAN.

H.R. 1343: Mr. FORTENBERRY.

H.R. 1363: Mr. DELAHUNT, Mr. MURTHA, and Mr. KILDEE.

H.R. 1366: Mr. TERRY.

H.R. 1405: Mr. CROWLEY.

H.R. 1524: Mr. BISHOP of New York.

H.R. 1606: Mr. HONDA.

H.R. 1621: Mr. SALAZAR, Mr. SERRANO, and Mr. MCHUGH.

H.R. 1641: Mr. MANZULLO.

H.R. 1644: Mr. MARKEY.

H.R. 1738: Mrs. JONES of Ohio.
H.R. 1761: Mr. CHABOT.
H.R. 1881: Mr. BACHUS and Ms. MCCOLLUM of Minnesota.
H.R. 1889: Mr. CUMMINGS.
H.R. 1940: Mr. FRANKS of Arizona and Mr. LAMBORN.
H.R. 2032: Mr. VAN HOLLEN.
H.R. 2045: Mrs. JONES of Ohio and Ms. SUTTON.
H.R. 2067: Mr. PENCE.
H.R. 2073: Ms. BALDWIN.
H.R. 2183: Mr. MCCOTTER.
H.R. 2244: Mr. BOUCHER.
H.R. 2266: Mr. GONZALEZ.
H.R. 2370: Mr. WAMP, Mr. AL GREEN of Texas, and Mrs. MUSGRAVE.
H.R. 2493: Mr. WALBERG and Mr. NEUGEBAUER.
H.R. 2508: Mr. TANCREDO.
H.R. 2550: Mr. LATTA and Mr. PEARCE.
H.R. 2652: Mr. MANZULLO.
H.R. 2686: Mr. CHILDERS.
H.R. 2880: Mr. KNOLLENBERG, Mr. TIBERI, and Mr. BRADY of Pennsylvania.
H.R. 2885: Mr. HINOJOSA.
H.R. 2897: Mr. CAPUANO.
H.R. 2914: Mr. PITTS.
H.R. 2933: Mr. TIAHRT.
H.R. 2943: Mr. TIERNEY.
H.R. 2991: Mr. MICHAUD.
H.R. 3008: Mr. WALZ of Minnesota.
H.R. 3016: Mr. SESSIONS.
H.R. 3089: Mr. SAM JOHNSON of Texas.
H.R. 3132: Ms. SUTTON, and Ms. BALDWIN.
H.R. 3140: Ms. MATSUI, and Mr. SHULER.
H.R. 3202: Ms. LEE.
H.R. 3232: Ms. SOLIS.
H.R. 3245: Mr. Latta.
H.R. 3334: Mr. PICKERING.
H.R. 3404: Mr. VAN HOLLEN.
H.R. 3438: Mr. MCGOVERN, and Ms. HIRONO.
H.R. 3457: Mr. MARCHANT, and Mr. HOEKSTRA.
H.R. 3543: Mrs. NAPOLITANO, Mr. BARROW, Mr. VAN HOLLEN, Ms. HARMAN, and Mr. HODES.
H.R. 3544: Ms. JACKSON-LEE of Texas, Mr. WU, and Mr. FURTUÑO.
H.R. 3622: Mr. PATRICK MURPHY of Pennsylvania, and Mr. SALI.
H.R. 3654: Ms. JACKSON-LEE of Texas.
H.R. 3700: Mr. WEINER.
H.R. 3800: Mr. WALBERG.
H.R. 3834: Mr. CHANDLER.
H.R. 3870: Mr. WU.
H.R. 3934: Mr. GONZALEZ.
H.R. 3944: Mrs. NAPOLITANO, and Ms. ZOE LOFGREN of California.
H.R. 3995: Mr. ROSKAM.
H.R. 4044: Mr. BISHOP of New York.
H.R. 4052: Mr. WALSH of New York.
H.R. 4063: Ms. CLARKE.
H.R. 4139: Mr. WILSON of Ohio.
H.R. 4206: Mr. GONZALEZ.
H.R. 4273: Mrs. MILLER of Michigan.
H.R. 4344: Mr. KANJORSKI.
H.R. 4449: Mr. ROTHMAN.
H.R. 4461: Mr. STARK.
H.R. 4464: Mr. BILIRAKIS, and Mr. PENCE.
H.R. 4544: Ms. BEAN, Mr. BOYD of Florida, Mr. CHILDERS, Mr. CAZAYOUX, Mr. CRAMER, and Mr. TANNER.
H.R. 4651: Mr. BERMAN.
H.R. 4836: Mr. WU, Mr. FORTUÑO, and Mr. MARKEY.
H.R. 4900: Mr. SALAZAR.
H.R. 4926: Mr. DAVID DAVIS of Tennessee, Mr. HINCHEY, Mr. WALSH of New York, Mr. DAVIS of Illinois, Mr. LOEBSACK, and Mr. BUTTERFIELD.
H.R. 5229: Mr. DREIER.
H.R. 5265: Mr. DUNCAN, and Mr. BOYD of Florida.
H.R. 5315: Mr. FALEOMAVAEGA, and Mr. MATHESON.
H.R. 5352: Mr. KING of New York.
H.R. 5437: Mr. PEARCE.
H.R. 5445: Mr. YOUNG of Alaska.
H.R. 5447: Mr. HOLT.
H.R. 5454: Mr. PLATTS, Mr. LOBIONDO, Mr. ETHERIDGE, Mr. BILIRAKIS, and Mr. JONES of North Carolina.
H.R. 5469: Mr. CONYERS.
H.R. 5515: Mr. SESSIONS and Mrs. MUSGRAVE.
H.R. 5542: Mr. MCINTYRE.
H.R. 5564: Mr. MARSHALL.
H.R. 5573: Mr. MCHUGH, Mr. MITCHELL, and Mr. HOLDEN.
H.R. 5580: Mr. CARNAHAN.
H.R. 5603: Mr. HOLDEN.
H.R. 5626: Mr. WU.
H.R. 5627: Mr. HILL and Mr. CAMPBELL of California.
H.R. 5632: Mr. CARSON.
H.R. 5635: Mr. HILL.
H.R. 5646: Mr. WITTMAN of Virginia.
H.R. 5656: Mr. MILLER of Florida.
H.R. 5662: Ms. GINNY BROWN-WAITE of Florida.
H.R. 5673: Mr. MCCOTTER.
H.R. 5674: Mr. AL GREEN of Texas, Mrs. NAPOLITANO, Ms. GIFFORDS, Mr. Rogers of Kentucky, and Mr. DAVIS of Alabama.
H.R. 5677: Mr. TURNER.
H.R. 5700: Mr. MCHUGH.
H.R. 5704: Mr. MILLER of North Carolina and Mr. PAUL.
H.R. 5721: Mr. BOOZMAN and Mr. BISHOP of Utah.
H.R. 5722: Mr. BOOZMAN.
H.R. 5731: Mrs. MUSGRAVE and Mr. LATTA.
H.R. 5734: Mrs. TAUSCHER, Mr. HINCHEY, Mr. LATHAM, Mr. MCNULTY, and Mr. BOSWELL.
H.R. 5737: Mr. REHBERG.
H.R. 5761: Mr. BILBRAY.
H.R. 5766: Mr. MCHUGH.
H.R. 5774: Mr. CARSON, Ms. WASSERMAN SCHULTZ, Ms. ESHOO, Mrs. TAUSCHER, and Mr. MCDERMOTT.
H.R. 5793: Mr. STUPAK, Mrs. CUBIN, Mr. HILL, Mr. DOYLE, and Mr. WEXLER.
H.R. 5815: Mrs. MILLER of Michigan.
H.R. 5854: Mr. KAGEN and Mr. MORAN of Virginia.
H.R. 5868: Mr. LATTA, Mr. BROWN of South Carolina, and Mr. YOUNG of Florida.
H.R. 5874: Mr. VAN HOLLEN.
H.R. 5878: Mr. RANGEL.
H.R. 5892: Mr. CARNAHAN, Mrs. NAPOLITANO, and Mr. COURTNEY.
H.R. 5895: Mr. ABERCROMBIE.
H.R. 5907: Mr. TIM MURPHY of Pennsylvania.
H.R. 5918: Mr. YOUNG of Florida.
H.R. 5925: Ms. LEE.
H.R. 5935: Mr. HOLDEN, Mrs. MYRICK, and Mr. SALAZAR.
H.R. 5944: Mr. TERRY and Mr. KINGSTON.
H.R. 5954: Mr. SALAZAR.
H.R. 5955: Mrs. MCMORRIS RODGERS and Mrs. MUSGRAVE.
H.R. 5960: Mr. SOUDER, Ms. KAPTUR, Mr. HOLDEN, and Mr. KILDEE.
H.R. 5971: Mr. PRICE of Georgia.
H.R. 5973: Mr. HALL of New York.
H.R. 5974: Mr. KLINE of Minnesota.
H.R. 5984: Mr. DREIER, Mr. MCCAUL of Texas, Mr. PLATTS, Mr. CANTOR, Mr. FRANKS of Arizona, Mr. ENGLISH of Pennsylvania, Mrs. MCMORRIS RODGERS, Mr. ROGERS of Michigan, Mr. KINGSTON, Mr. YOUNG of Alaska, Mr. REGULA, Mr. CAMP of Michigan, and Mr. HAYES.
H.R. 6008: Mrs. MUSGRAVE.
H.R. 6023: Mr. NEUGEBAUER and Mr. GALLEGLY.
H.R. 6025: Mr. HERGER, Mr. JORDAN, Mr. CONAWAY, and Mr. SOUDER.
H.R. 6026: Mr. EVERETT, Mr. MCHUGH, Mr. LINCOLN DIAZ-BALART of Florida, Mr. KLINE of Minnesota, Mr. MCCAUL of Texas, Mr. MILLER of Florida, Mr. KELLER, Mr. BRADY of Texas, Mr. SULLIVAN, Mr. NEUGEBAUER, Mr. MANZULLO, Ms. FALLIN, Mr. BOUSTANY, Ms. GINNY BROWN-WAITE of Florida, Mr. MCKEON, Mr. MACK, Mr. CHABOT, Mr. SESSIONS, Mr. BISHOP of Utah, Mrs. MUSGRAVE, Mr. KUHL of New York, Mr. BARRETT of South Carolina, Mr. PLATTS, Mr. GINGREY, Mr. HALL of Texas, Mr. WILSON of South Carolina, Mr. SMITH of Texas, Mr. WALDEN of Oregon, Mrs. WILSON of New Mexico, Mr. BACHUS, Mr. REYNOLDS, Mr. BARTON of Texas, Mr. GALLEGLY, Mr. SHUSTER, Mr. DAVIS of Kentucky, Mr. FEENEY, and Mr. CAMP of Michigan.
H.R. 6030: Mr. CALVERT.
H.R. 6045: Mr. MATHESON and Mr. LATOURETTE.
H.R. 6047: Ms. JACKSON-LEE of Texas.
H.R. 6062: Mr. CARSON.
H.R. 6068: Mr. TOWNS and Mr. COHEN.
H.R. 6075: Mr. KAGEN and Mrs. NAPOLITANO.
H.R. 6092: Mr. MILLER of Florida, Mrs. GILLIBRAND, Mr. SESTAK, Mr. ORTIZ, Mr. CONAWAY, Mr. AKIN, Mr. COLE of Oklahoma, Mr. FORBES, Mr. JOHNSON of Georgia, Mr. SCOTT of Georgia, Mr. KINGSTON, Mr. DEAL of Georgia, Mr. PRICE of Georgia, Mrs. MUSGRAVE, Mr. SAM JOHNSON of Texas, Mr. EVERETT, Mr. LINDER, Mr. ABERCROMBIE, Mr. HUNTER, Mr. BARTLETT of Maryland, Mr. MCKEON, Mr. TURNER, Mr. LEWIS of Georgia, Mr. HAYES, Mr. BISHOP of Utah, Mr. BARROW, Mr. BROUN of Georgia, Mr. BISHOP of Georgia, Mr. WESTMORELAND, Mr. MARSHALL, Mrs. MYRICK, and Mr. ROGERS of Alabama.
H.R. 6098: Mr. KING of New York.
H.J. Res. 22: Mr. BROUN of Georgia.
H.J. Res. 79: Mr. GRIJALVA.
H. Con. Res. 108: Mr. CARSON.
H. Con. Res. 163: Mrs. CUBIN.
H. Con. Res. 294: Mr. SALI.
H. Con. Res. 336: Mrs. NAPOLITANO, Mrs. MILLER of Michigan, and Mr. MARSHALL.
H. Con. Res. 338: Mr. PAYNE, Mr. GUTIERREZ, and Mr. CONYERS.
H. Con. Res. 341: Mr. BOUSTANY, Mr. WALBERG, Mr. FEENEY, Mr. CARNAHAN, Mr. HILL, Ms. GIFFORDS, Mr. SPACE, and Mrs. MILLER of Michigan.
H. Res. 111: Mr. CARSON.
H. Res. 881: Mr. MCHENRY, Mr. BARROW, Mr. COSTA, Mr. GORDON, Mr. PATRICK MURPHY of Pennsylvania, and Mr. MELANCON.
H. Res. 888: Mr. BRADY of Texas.
H. Res. 1008: Mr. PITTS, Mr. DOOLITTLE, and Mr. BILBRAY.
H. Res. 1056: Mr. PAYNE and Mrs. CHRISTENSEN.
H. Res. 1067: Mr. TAYLOR.
H. Res. 1106: Mr. FEENEY.
H. Res. 1139: Mr. FALEOMAVAEGA and Mr. NEAL of Massachusetts.
H. Res. 1177: Mr. HARE, Ms. SCHAKOWSKY, Ms. JACKSON-LEE of Texas, Mr. DAVIS of Illinois, and Mr. HONDA.
H. Res. 1179: Mr. RAMSTAD, Mr. DOOLITTLE, Mr. LEWIS of California, Mr. BACA, and Mr. BARTLETT of Maryland.
H. Res. 1183: Mr. GONZALEZ.
H. Res. 1192: Ms. MATSUI, Mrs. NAPOLITANO, and Ms. ZOE LOFGREN of California.
H. Res. 1200: Mr. COHEN, Mr. GRIJALVA, and Mr. MCGOVERN.
H. Res. 1205: Mr. GENE GREEN of Texas and Ms. SUTTON.

DELETION OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 6041: Mr. SAM JOHNSON of Texas.

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PROCEEDINGS AND DEBATES OF THE *110th* CONGRESS, SECOND SESSION

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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, who knows all things and from whom nothing is hidden; limitless, timeless, and unchanging, You told us in James 4:2 that we ''have not because we ask not.'' So, Lord, today, we again ask You to heal Senator KENNEDY. We claim for him Your promise in Isaiah 53:5 that ''with Your stripes'' he can be healed.

Lord, we also ask that You will fill this Chamber with Your glory; fill our minds with Your wisdom; fill our hearts with Your love. Guide our Senators in their deliberations. Remind them that when they feel overwhelmed, You have promised to give them Your wisdom. Lead them in the way of peace and unity, as You bind them together to keep our Nation strong.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN 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 legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 21, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN 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 the use of leader time, there will be a period of morning business until 12 noon, with Senators permitted to speak for up to 10 minutes each, with the majority controlling the first 30 minutes and the Republicans the next 30 minutes. The time from 11 a.m. until 12 noon today is reserved for tributes to former President Lyndon B. Johnson, commemorating the centennial of his birth. This afternoon, we expect to resume consideration of the House message with respect to the emergency supplemental appropriations bill. The speaking order during the time reserved for LBJ tributes will alternate between the majority and the minority.

As a reminder, cloture was filed last night on amendment No. 4803 related to domestic funding. Under rule XXII, the filing deadline for second-degree amendments is 1 hour prior to the cloture vote tomorrow.

Mr. President, we have second readings. But before getting to that, we also are trying to work out a time agreement, even today. Under the rule, the budget cannot be brought up until tomorrow afternoon at about 4 o'clock. But we can, by unanimous consent, move it to today. If we can work something out with the Republicans today, we will do that.

Last night, Senator CONRAD said he was going to confer with Senator JUDD GREGG, the ranking member of that committee, to see if there is a way we can move to that and shorten the hours. Statutorily, it is a 10-hour time limit. If we start on that tomorrow, the 10 hours would run into the next day.

We know Senator INOUYE and Senator STEVENS are not going to be here Friday. They are going to Senator INOUYE's wedding. Senator INOUYE is getting married. Senator STEVENS is his best man. So we need to try to finish that before Friday morning.

In addition to that, we have the veto override on the farm bill we need to complete. Now, on that there is no time limit. People can talk however long they want. I would hope we would not have to spend a lot of time on that bill. That bill has been debated about as much as anything needs to be debated. It had 81 votes when it left this Chamber. We would hope everyone would recognize we need to dispose of this as quickly as possible. I hope we can get those two matters going.

I have also made a suggestion to the Republican leader—I spoke to the floor staff last night, together with my floor staff—and there will be a decision made by the majority and the Republicans, through Senator MCCONNELL and me, today to see if we can arrive at some way to proceed reasonably to this emergency supplemental.

MEASURES PLACED ON THE CALENDAR—S. 3036 AND S. 3044

Mr. REID. Mr. President, there are two bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the titles of the bills for a second time.

The legislative clerk read as follows:

A bill (S. 3036) to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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A bill (S. 3044) to provide energy price relief and hold oil companies and other entities accountable for their actions with regard to high energy prices, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings with respect to these bills en bloc.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bills will be placed on the calendar under rule XIV.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

BUDGET CONFERENCE REPORT

Mr. MCCONNELL. Mr. President, let me say to my good friend, the majority leader, we would be happy to work out a process by which we could have the debate on the budget today. We would even be prepared to have the vote on the budget today, but I understand that is problematic.

Mr. REID. I think we could probably do that.

Mr. MCCONNELL. Well, that is something we could probably work toward, yes.

Mr. President, with regard to the budget, we have our differences in the Senate, but there are a few ideas that have wide bipartisan agreement. One is we need to rein in Federal spending, and another is we need to do our part to ensure that middle-class families keep more of the money they earn.

But the Democrats' latest budget shows we have a very different view of what these ideas mean. Our friends on the other side said they wanted to raise taxes on the rich and keep taxes low for working families. But this budget would provide for the average family a tax hike of $2,300 on people earning as little as $31,000 a year and couples making $63,000 a year. For a little perspective, first year schoolteachers in my hometown earn $35,982, and I do not think they consider themselves rich.

With rising gas prices and economic concerns, middle-class families are tightening their belts. Yet this budget would take more money out of the paychecks of these families to fill the Government's coffers. At a time when all Americans are watching their spending, shouldn't Washington be doing the same?

Not according to this budget, which does nothing to address entitlement spending and sets a new record—a new record—for nonemergency spending, topping the $1 trillion mark for the first time in American history. That is not a record I think we should be welcoming.

So I am a little confused as to why this budget is at odds with the Democrats' promise of keeping taxes low for working families and putting a stop to wasteful Washington spending.

It seems to me, if Congress was serious about letting Americans keep more of the money they earn, we would make tax relief permanent. If we were serious about reining in spending, we would pass a budget that calls for responsible growth. Instead, we are on the verge of passing a budget that goes in the opposite direction, contains the largest tax hike in U.S. history, and sets a new record for spending.

American families cannot afford this budget, American job creators cannot afford this budget, and our economy cannot afford this budget. I urge all of our colleagues to protect the American family's budget by voting against this budget when we have an opportunity to do that.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each, with the majority controlling the first 30 minutes, and the Republicans controlling the next 30 minutes, with the time from 11 a.m. until 12 noon reserved for Senators to make tributes to former President Lyndon B. Johnson, and the time equally divided and controlled between the two leaders or their designees.

The Senator from Michigan is recognized.

Ms. STABENOW. Thank you, Mr. President.

SUPPLEMENTAL APPROPRIATIONS

Ms. STABENOW. Mr. President, I rise today to speak about two items that are in the supplemental that has come from the House of Representatives. I find it difficult to speak about either one, but particularly the first one, without turning and looking behind me to see the great champion of the Senate, Senator TED KENNEDY, leading this debate and discussion.

The first item I want to talk about is how we help middle-class families, working families who have lost their jobs, to be able to keep their home, their dignity, and put food on the table while they look for that next job.

No one has been a greater champion—no one—in this body or anywhere in the country for working men and women, for folks who are working hard every day to meet the American dream, than our own Senator TED KENNEDY.

So as I speak today, I want to send my wishes, as my colleagues have—all of my colleagues from both sides of the aisle and every part of this building and this city—to say to TED that we miss you and we need you back and we are sending our love and our prayers to you and Vicki and the entire family because we need you. While we are very saddened about the news, we know—as you have championed and had such great courage in fighting for those who have needed a voice, who have needed a champion in the Senate—we know you will fight with the same vigor, and we will be right there with you to do everything we can to make sure you are back leading us, leading the charge.

I have stood on this floor many times with the great leader, the great Senator from Massachusetts, to talk about what is happening to families all across America. I represent a State with the highest unemployment rate in the country. Those in Michigan who are seeing their unemployment benefits expire, who are valiantly looking for work every day, have been looking to us to help them extend that insurance benefit until they can find a job.

We know there are 7.7 million people looking for work right now and competing for about 4 million jobs. So I am proud of the fact that our caucus, the Democratic caucus, has placed creating jobs at the top of the list of the budget resolution we will be discussing and voting on this week.

But in the meantime we have to do everything we can to support those families. In the supplemental that has come over from the House, I am very pleased they have included a greatly needed extension of unemployment insurance benefits because the reality is we have lost, since January, 260,000 good-paying American jobs, 260,000 middle-class jobs—the jobs that pay the mortgage, put food on the table, send the kids to college, buy clothing, pay for gas—which continues to grow outrageously higher every day.

Part of our responsibility is to make sure those families receive the insurance benefits they need while they pick up their lives, move in a new direction, find work, so they can continue to have the American dream.

Some of those families have members who are in Iraq or Afghanistan or around the world serving us right now. Unfortunately, we have too many families where one person—while we are grateful—is serving us in our armed services and the other breadwinner in the family has, in fact, lost their job. So there is a direct relationship between what we are doing to support the unemployed to be able to continue to look for work and to be able to care for their families in the meantime and what we are doing on this supplemental.

Mr. President, there is another incredibly important piece of supporting our troops that is in this legislation coming over from the House of Representatives. Again, I hear the voice of Senator KENNEDY championing this as well in terms of making sure we are doing everything possible for our troops, both when they are in harm's

way and when they are coming home, putting on a veterans cap and continuing to live their lives in America.

I am very proud to have cosponsored the 21st century GI bill. Senator WEBB has been our champion. This is bipartisan legislation. Today's veterans deserve the same opportunities and thanks that have been given to earlier generations.

This bipartisan bill has overwhelming support in both the Senate and in the House. Veterans service organizations and millions of veterans and Active servicemembers have raised their voices in support of this legislation.

I don't understand how anyone could fully support our troops by fully funding the needs of our troops and then oppose the GI bill. Full funding for our troops really does include the GI bill. That is what this is all about: making sure we are keeping our promises. The men and women who sign up, who are overseas now, who are in harm's way, who have lost limbs, who come home with post-traumatic stress syndrome, those who are willing to put their lives on the line for us expect us to keep our promises.

I am proud of the fact that our Senate Democratic majority made fully funding veterans health care a top priority when we came into the majority last year. We kept that promise. This is the first year since this war started that we have met the numbers the veterans organizations say are needed to be able to provide health care. This is the second piece we are committed to achieving and making sure we have a 21st century GI bill fit for the brave women and men who are serving us today.

Last week, as chair of our Steering and Outreach Committee, I was able to join 23 other members of our caucus, all of our leadership on the majority side, and we met with 21 members from veterans service organizations who were unanimous in supporting not only the GI bill that is included here, that has come from the House, that we so strongly support, but in saying this should not be a partisan issue, this should not be a political issue, this is the right thing to do. It is the right thing to do. It needs to be done for the right reasons. We owe it to our veterans to pass this. It is a critical part of what is in front of us. It is essential we make sure that when we leave here, we can hold our heads high and say we have provided full funding for our troops by funding the GI bill and including it in this legislation.

This bill will pay for qualified veterans to attend any public university in the Nation. If a veteran chooses to attend a private school, the bill would also allow that to happen. It would pay tuition up to the amount of the most expensive public school in the State, so every choice would be available for our veterans. Under the bill, private contributions would be matched by the Federal Government. There would be sufficient funding for desperately needed books. The costs go up every year. I can attest to that, having put two children through college and seen the incredible expense for books alone, as well as living expenses. Those things would be covered as well. We need to do this because when our veterans get a good college education, all of society benefits. Their family benefits, the community benefits, the country benefits.

Providing a college education for veterans is very important for our economy. World War II provided a great example of how the GI bill made it possible for our greatest generation to get an education, find good jobs, buy a home, contribute to the American economy, and raise their families.

I can speak to that directly. My father was in World War II. He was in the Navy. He came home as a veteran. Because of the GI bill, he was able to get an education, to be a small business owner, to raise a family—which I was very proud to be a part of—to send his kids to college, and to make sure we had what we needed to be able to live our American dream. It was the GI bill after World War II that gave my dad a chance. And through him and through that commitment to my father and to our family, it gave me a chance to be here today as well.

Today's veterans have served our country with the same honor and the same courage as those in World War II. They deserve the same benefits. They deserve the same opportunities, the same chance to shape their futures, the future of their communities, and the future of the American economy.

I also support this bill because it treats our Active-Duty Guard and Reserve Forces the same way through their wartime service. This is especially important now, as we know, as the Guard and Reserve take on a greater and greater share of the combat tours in Iraq and Afghanistan. It is no less important that Guard and Reserve members often return home to communities that don't have the same resources as the Active-Duty servicemembers have on base. So making sure our Guard and Reserve can attend college, can get an education, the skills they need to be successful, will help ease their transition into civilian life.

I stand with those who are supporting our brave men and women in the armed services and those who have served in the global war on terror. This bill is long overdue and should be enacted right now. That is what 21 veterans service organizations have said to us, and millions of veterans across the country. We have a duty to give our veterans what they deserve. They have offered the greatest sacrifice and should be given a chance for a solid education in these competitive times to become successful after their military service is done.

So, like the rest of the supplemental, this is full funding for our troops. It is full funding for our troops. We need to make sure they have what they need, not just on the battlefield but when they return home. We have kept the promise on health care, and our Senate Democratic majority is committed to continue to do that every year.

We have also been committed and are very pleased that the House sent to us a GI bill that we have been working on with leaders in our caucus, including Senator WEBB and certainly our leader, Senator REID, and many others, to make sure we keep the rest of the promise. We need a modern GI bill that fits what is happening for our veterans around the world, to make sure Guard and Reserve are treated with the same dignity and have the same opportunities as our Active-Duty personnel.

As we debate this supplemental, I sincerely hope we will not leave this Chamber without making sure that full funding for our troops includes the passage of this greatly needed GI bill.

Thank you, Mr. President. I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TESTER 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.

Mr. TESTER. Mr. President, I rise today to discuss two important domestic priorities that are funded in the Senate's emergency supplemental. Those two priorities are the Secure Rural Schools and JAG/Byrne funding. These programs are critically important to Montana and rural America. I hope my colleagues continue to support them.

Last year, a 1-year extension of the Secure Rural School and Self-Determination Act was included in the emergency supplemental, giving much relief to rural counties.

We also narrowly lost the opportunity to pass a 5-year reauthorization during the debate on last year's energy bill. But now, today, we have the same opportunity to provide temporary relief while we work to provide the longer term funding solutions that our counties and schools deserve.

Why is this so important? Because county payments assist 600 rural counties and 4,400 schools in 42 States.

A majority of the counties in my State of Montana receive benefits from this program. Without an extension, these communities will suffer, and schoolteachers and county workers will be laid off.

Less money for rural schools means less opportunity for our rural students, lower teacher pay, bigger classroom size, fewer activities, and students who start to fall behind. Rural America's students deserve the same opportunities as their urban counterparts, and this program helps them to keep pace.

Fewer dollars for the counties mean higher local property taxes, poorer

roads, and local public work projects that do not get done. Overall, rural economies will suffer in a big way.

In the West, we are rich in public lands. One-third of Montana is in public ownership. Much of it is timberland. It only makes sense that the Federal owners help support local services.

These counties are, by nature, rural, and Secure Rural Schools funding makes up a large portion of their local budget. Without this extension, local communities will not be able to make ends meet. For these reasons, I hope the funding for Secure Rural Schools remains in the supplemental.

I also express my appreciation for the work of Senators WYDEN, BAUCUS, and others who have fought so hard to fund this program over the years. Rural America needs this support to continue.

Another issue I want to draw attention to is the JAG/Byrne funding used by America's drug task forces. These justice assistance grants help local law enforcement agencies fight drug dealers and manufacturers across this country.

There is $490 million in the supplemental to restore funding to this critical program that will bring the amount of last year's level up to $660 million.

Montana has seven drug task forces, which cover three-quarters of Montana's 56 counties. In 2007, Montana's Drugbusters received almost $1.3 million. This year, Montana is set to receive only $473,000. That is a loss of $817,000 in 1 year. The folks on the ground have told me they are going to have massive cutbacks in programs and in surveillance. In fact, 27 of the 49 agents statewide would be laid off. Three of the seven drug task forces would have to close their doors altogether.

Montana is the fourth largest State, geographically. It is too big and expansive for us to think we can keep a handle on drug traffickers with such limited resources. What would happen? More drugs would remain in our communities, more weapons in the hands of criminals, more crimes, and more children would be exposed to danger because they would be continually exposed to volatile situations, criminal behavior, and drugs. We do not want to go backward.

As a result of the efforts of Montana's Drugbusters, there has been a significant decrease in the number of meth labs. For instance, in 2002, there were over 120 labs. In 2006, thanks to the Montana Drugbusters, there were less than 10 labs in the State of Montana. This is great work and this work must continue.

Without the restoration of this funding, our efforts to limit drugs in Montana and throughout the country will be devastated. Our children's exposure to drugs and crime will be increased, and our families will be torn apart. Montana cannot afford it. No State can. Americans deserve better.

I know many of my colleagues share in my strong support for JAG/Byrne funding and county payments. I appreciate their help in developing and continuing these programs. I hope this supplemental, in the end, includes these important programs and that the President signs the supplemental into law.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. 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.

APPROVAL RATING OF CONGRESS

Mr. CORNYN. Mr. President, this week we reached a milestone in Congress, because on Monday it was the 500th day since our friends on the other side of the aisle took control of both the Senate and House following the 2006 election. In those 500 days, we have seen congressional approval rating, according to Rasmussen Surveys, drop to 13 percent of the respondents who believe that Congress has performed in a good or excellent fashion. I believe one reason why we have seen this drop in Congress's public approval rating is because we have failed to address some of the biggest concerns that confront the American people.

Here is a chart. Four of the concerns are depicted here. The first number I mention here is the 96 days that Congress—specifically the House of Representatives—has failed to act to modernize the Foreign Intelligence Surveillance Act. The Foreign Intelligence Surveillance Act, of course, is the law that allows our intelligence community to listen to telephone conversations between foreign terrorists to learn of attacks being planned, so as to not only detect them but also to deter them and defeat our enemies. Why Congress would fail to act to reauthorize this important piece of legislation for 96 days, I think, can only cause us to scratch our heads and wonder what could possibly justify that effective blinding of our intelligence community to new threats and the kinds of threats that could make us safer, if detected, deterred, and defeated, and could make us safer here at home and make our troops safer in places such as Afghanistan and Iraq.

At the same time, we have been waiting 547 days for Congress to take up and pass the Colombia Free Trade Agreement. This is important to our Nation and it is important to my State. Last year alone, Texas sold $2.3 billion worth of goods and produce to Colombia, a large nation in South America. Because of tariffs that are currently imposed on those goods that are sold from Texas to Colombia, or from the United States to Colombia, it actually discriminates against my small business man and woman, against the manufacturer, against the producer of farm goods; whereas, Colombian goods coming into the United States because of another agreement have no similar tariff or financial discrimination.

If the Speaker of the House would take up the Colombia Free Trade Agreement, we could restore a level playing field and create more jobs in the United States because we would be creating more goods here in America to sell in Colombia.

Free trade is something that, amazingly, this Congress seems more and more afraid of, when, in fact, I think it is one of the ways out of our current economic doldrums. If we continue to create new markets for our goods and services across the world, that creates jobs at home. If there is anything like a stimulus package Congress could pass, free-trade agreements, such as the Colombia Free Trade Agreement, is one of them.

It is more important than that because Colombia, of course, is one of our very best allies in Latin America, sitting right next door to Hugo Chavez in Venezuela, someone who is not our friend and has declared us his enemy.

I have to think that Raul Castro and Fidel Castro in Cuba and Hugo Chavez in Venezuela are sort of chuckling to themselves, seeing how America is treating one of our very best allies in Latin America. In fact, it is President Uribe in Colombia who has been heroic in his fight against the narcoterrorists, known as the FARC, who recently, we found out, were not only in cahoots with Venezuela and Hugo Chavez but planning a lot of no good—buying arms, buying military materiel from Russia and other places right in our backyard, in Latin America. Why we would stiff-arm President Uribe in Colombia, one of our very best allies in Latin America, when it is in our self-interest to create more markets to sell American goods and services, frankly, is beyond me.

The next number is 692 days. This is how long some judicial nominees, nominated by President Bush, have been waiting for Senate confirmation.

We know the majority leader pledged to confirm at least three circuit court nominees before the Memorial Day break. We only have 2 more days left to go. Obviously, we are not going to meet that pledged goal. So 692 days with nominees waiting for a vote with no real end in sight. It is clear what is happening. It is an attempt to drag this out until the election is nigh upon us and then the majority leader can say: We can't get any more judges confirmed because we are going to have to wait for the Presidential election to see who will fill those vacancies. But to wait 692 days without even giving these nominees simply the courtesy of a hearing or an up-or-down vote is inexcusable. There is just no reason for it.

The last number on this chart is 758 days. That is the period of time since NANCY PELOSI, now the Speaker of the House, pledged to come up with a commonsense plan to reduce the price of gasoline. Mr. President, 758 days later, the price of gasoline is going through the roof, with no end in sight, and the price of oil, which makes up 70 percent of the cost of gasoline, is going through the roof, with no end in sight.

We have on this side of the aisle offered what I believe to be a very constructive plan to produce more American energy and rely less on imported energy from other parts of the world, and that was rebuffed by the majority. I am left to wonder, if the majority refuses to take advantage of American natural resources and reduce our dependency on imported oil from our enemies at the price of $3.75 a gallon, I wonder if they would reconsider when the price hits $4.75 a gallon or $5.75 a gallon? At what price will we finally wake up in Congress and recognize that the moratorium we passed some 30 years ago which banned the exploration for oil and gas on our Outer Continental Shelf, when oil was $7 a barrel and now is $127 a barrel, when will we reconsider that policy and decide it is in our national interest—our national security interest and our economic interest—to depend more on what God gave us in America, our natural resources, which can be developed in a way that is consistent with a good environment and in a way that is responsible?

It is irresponsible to simply ignore reality or to imagine that we in Congress can suspend the economic laws of supply and demand. As we have seen oil consumption worldwide go to about 85 million barrels a day, we know that countries such as China and India, with growing economies, are using more and more of that oil. So we are competing for a fixed supply of oil, and the law of supply and demand says: If you have a fixed supply but increasing demand, the price is going to continue to go up. But somehow Congress feels as if we can ignore that law or we can defy that law. We can no more defy the law of supply and demand than we can the law of gravity. I think the American people understand that, and I think they are bewildered, as I am, why Congress continues to defy this basic law of economics.

The bill that will be before the Senate today is a very important piece of legislation which bears further witness to why Congress is held in such low regard by the American people. It is because this bill which was designed to be an emergency supplemental appropriations to help fund our troops in harm's way in Afghanistan and Iraq has become a political football and a lot of unrelated projects have been added to this bill, which has caused the President to threaten to veto it, which the majority understands will simply slow down the process of getting these necessary funds, getting this necessary equipment that these funds would pay for, to our troops in harm's way.

Twenty-five days from now—Deputy Secretary Gordon England said that absent additional congressional action, ''the Army will run out of military personnel funds by mid-June and operation and maintenance funds by early July.'' In 25 days, unless Congress acts, the military will run out of personnel funds—that means money used to pay the military their paychecks each month—and will run out of operation and maintenance funds by early July.

I believe it is absolutely inexcusable that as we approach Memorial Day, the men and women of our military are left to wonder whether we will meet our obligation to make sure there is enough money available to pay their paychecks so their families can be provided for after June. While we all have talked about supporting our troops—and that is very important—how much more basic a way is there to support our troops than to make sure they are paid the money they are entitled to on a timely basis and not left to wonder whether Congress will meet that simple obligation? Talk is one thing; action, which would send a different message altogether, is another.

It is indisputable that these men and women in our U.S. military have made tremendous sacrifices for all of us. They have given not only their precious time, some have even given their lives to protect our way of life. Many of them have spent months, if not years, away from their families, missed birthdays, missed births, all in fulfillment of this noble duty to help keep the oppressed free and to protect our national security. Now they are left to scratch their heads and wonder what is going on again in Washington and whether politics is interfering with Congress's willingness to simply do its duty while they discharge their duties abroad.

This critical funding includes not only vital pay and allowances but also the tools our troops need to ensure they have safe passage through neighborhoods they patrol in Afghanistan and Iraq. I am referring to, in part, the Commander's Emergency Response Program, or the CERP. When I was in Baghdad and other places in Iraq in January, the commanding officers said that these are some of the most useful funds we have made available to them. Secretary Gates has called it ''the single most effective program to enable commanders to address local populations' needs. . . .'' These CERP funds will come to a standstill. Unless Congress acts on a timely basis without loading down this bill with a lot of pet projects and pork, it will come to a standstill. Why would we want to hamstring our commanders in the field in working with local populations to try to win their hearts and minds? As Secretary Gates pointed out, CERP is the key in the effort to get potential insurgents in Iraq and Afghanistan off the streets and into jobs.

Colleagues on both sides of the aisle have long acknowledged the importance of CERP funding. However, despite this acknowledgment, Congress has provided less than a third of what has been requested, and now providing those funds at all is left in some doubt. According to the Department of Defense, unless we provide the remaining $1.2 billion in CERP funds, the program will grind to a halt. What more important thing could we be doing in Iraq than trying to win the hearts and minds of former insurgents and get them deployed so that they lay down their guns and their bombs and engage in not only the political process but in the economic revitalization of that war-torn country. We all agree the Iraqis need to take more responsibility for rebuilding their country, and that is what these CERP funds are designed to ensure. Why in the world would we slow them down or fail to see that they are delivered?

Beyond CERP funds and troop paychecks, the lack of funding begins to also impact other areas. We will see furloughs of civilian employees of the Department of Defense if Congress does not act promptly. Unfortunately, this includes staff members at facilities such as child development centers which many of our troops depend on for daycare for their young ones. It would detrimentally impact services provided to troops and their families at military installations across America and around the world.

It is sad to note this is not the first time Congress has put our troops in this position. Once again, while our troops are waiting for critical funding, needed not only for their own well-being but for the completion of their mission, some of my colleagues will try to use this supplemental funding bill to advance pet projects or to resurrect a tired agenda. Once again, we have seen there will be an attempt to force yet another vote on the precipitous withdrawal of our troops from Iraq; that is, based on a political timetable handed down here in Washington rather than conditions on the ground which will lead to the likelihood of stability and ultimate success. Despite the countless debates we have had on this issue and despite the clear and undisputable evidence of both military and political progress in Iraq, my colleagues will again refuse to pass a clean supplemental bill to support our troops. This debate, of which we know the outcome, will do nothing but delay those funds going to our troops.

It is becoming increasingly evident that American troops and our Iraqi allies are making great progress in areas that were formerly labeled as hopeless. In the New York Times today, there is a story on the front page about how Sadr City, which was basically a no-man's zone, has now been stabilized by Iraqi troops themselves. Violence is down, and communities are fighting back against extremism. Life is slowly returning to normal. Refugees who previously fled that country are returning

home. What better could we hope for than to see these sorts of developments? Of course, this is thanks in large part to the sacrifices of our military and our military families.

We also need to acknowledge the great strides being made by the Iraqi Government. By reasonable estimates, the Iraqis have now met 12 of the 18 benchmarks Congress set for them, and they have begun to fight against extremism and senseless violence without regard to affiliation or sectarian identification.

The recent initiative that Prime Minister Maliki undertook in Basra is a good example of taking the initiative, of doing what we had hoped for, and that is taking the training that America and our coalition partners have provided and using that training to fight for themselves. The more the Iraqis stand and fight for themselves, the more American and coalition troops can stand down and ultimately come home.

I think it is important to point out to the American people that what was supposed to be an emergency supplemental appropriations bill is not limited to war-related measures, and this is designed to slow down this important piece of legislation. We know that not only are other pet projects and unrelated spending measures included, there are $10 million in unrelated emergency spending measures that perhaps might be justified in some other context, but we need to have this bill passed cleanly so we can get the money to the troops and so we can debate the merits of these various other programs at a later time. We should not use this bill for controversial policy measures.

Our troops, as well as the American people, deserve more open debate about complex issues—and here are four of them we need to act on—but we should not use this bill to try to get provisions passed without either adequate debate or adequate scrutiny. Things that could not be passed in the light of day should not be passed on this vehicle, this must-pass vehicle. The men and women who have made tremendous sacrifices to serve our country deserve more than to have to be asked to carry on their backs the political agendas of a few of their elected representatives.

Despite the looming shortfalls for military paychecks, the Senate does not seem all that concerned. Despite warnings by the Deputy Secretary of Defense that Congress must act before the Memorial Day recess, the majority leader recently told people it was no big deal if Congress did not. I respectfully beg to differ. Failing to supply a paycheck to our brave soldiers is an incredibly big deal. Playing politics at a time when our soldiers are being left to wonder whether they will be able to pay for their food bill, their gasoline bill, their health care or other items while Congress engages in this sort of gamesmanship is simply inexcusable.

So I think we could improve congressional approval ratings above the 13 percent who think we are doing a good or excellent job if we would simply act on this list of items which has been waiting, some for as many as 758 days, without a response from the Congress and if we would simply quit using something such as an emergency funding bill for our troops in harm's way in order to pass other unrelated pet projects or to try to impose other political agendas. I think if we acted responsibly, in a bipartisan way, to try to solve some of these problems, the American people would respond favorably. That would be good for them, that would be good for the country, and that would be good for the Senate and the Congress, generally.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR KENNEDY AND THE WAR ON CANCER

Mrs. HUTCHISON. Mr. President, in about 20 minutes, I know we are going to turn pay tribute to Lyndon Baines Johnson. This is LBJ Day in the Capitol, and there are many speeches that will be made, there are many celebrations, there is a huge reunion of the LBJ family and his former staff people and supporters and Cabinet officers, and I am going to speak in that designated hour. But right now, in morning business, I would like to speak about another great Senator. I wish to speak about my colleague, Senator TED KENNEDY.

We all know we got a shock yesterday; that Senator KENNEDY has been diagnosed with a cancerous brain tumor, and he has just been released from the hospital. We are all so grateful he has been able to go to the comfort of his own home with his family as they are deciding how the treatment will go forward. But I wish to take a moment to talk about something we have been working on together.

If I could think of one word for Senator TED KENNEDY, it would be ''fighter.'' He is a fighter for the causes in which he believes. In his 46 years as a Senator, he has fought on behalf of the American people, waging so many battles to advance the causes of justice, opportunity, and peace. Now, he is set to wage the greatest fight of his life, and in that fight he has the support and prayers of all his colleagues and all the American people.

Senator KENNEDY's startling diagnosis comes the week after he and I announced our commitment to renew the war on cancer. For the last several months, Senator KENNEDY and I have been working on a bill to evaluate our progress on cancer research and treatment, address our shortcomings, and renew our commitment to eradicating this disease. There is no other person I would rather be working with on this initiative—now more than ever.

Senator KENNEDY's diagnosis is such a poignant reminder that the battle has not been won. On May 8, the committee he chairs—the Senate Health, Education, Labor and Pensions Committee—held a hearing to discuss the Kennedy-Hutchison bill. Advocates and survivors of cancer such as Lance Armstrong and Elizabeth Edwards spoke about the need for progress and reform in all areas of cancer research and treatment. In the 37 years since the national declaration of the war on cancer, the age-adjusted mortality rate for cancer is still very high. When it is compared to the mortality rates of other chronic diseases, it is extraordinarily high. While there have been substantial achievements since the crusade began, we are far from winning this war. Let's look at the statistics.

Today, one out of two men and one out of three women will develop cancer in their lifetime. In my home State of Texas, approximately 96,000 people are expected to be diagnosed with cancer and 35,000 are expected to die of cancer in 2008 alone. The NIH, the National Institutes of Health, estimates the overall cost of cancer to our Nation in 2007 was $219 billion.

These grim statistics should not belie the wealth of knowledge we have gained over the years, but it is time for legislation to address the shortcomings in the structure of cancer research and treatment. Senator KENNEDY and I are leading the effort to renew our war on cancer. We want to continue our search for cures, more effective treatments, and better preventive measures. The cancer community must embrace a coordinated assault against this disease. We must start looking at more cooperative efforts that focus on the big picture. The bill Senator KENNEDY and I will introduce is targeted at the following: removing barriers currently hindering our progress in cancer research and treatment; improving access to early detection measures and cancer care; reducing disparities in cancer treatment; increasing enrollment in clinical trials—this is a very important part that I think is one of the keys we are missing; and encouraging additional opportunities for cancer research and more cooperative cancer research.

Our bill will encourage the movement of medications and treatment from the laboratory to the bedside more quickly. It is time we started sharing more information. There is great research being done at many of our institutions—some in my home State of Texas and some in his home State of Massachusetts are the very best; in Maryland at Johns Hopkins; in Minnesota. We have wonderful research institutions. But we are not sharing the information enough. We need to

make sure this is a wholesale war and we are all in the same army, that we are marching in the same direction, and that we are coordinated in doing that.

As Senator KENNEDY wages his own personal war on this dreaded disease, he will also be leading America's war on cancer with the Kennedy-Hutchison bill that we will introduce in the Senate. So many times Senator KENNEDY has been the voice for the American people. He will truly be the voice for this bill to renew the war on cancer at this very difficult time in his life.

I know he is going to be standing on this floor, he is going to be negotiating this bill, he is going to be relentless in making sure it goes through with bipartisan support. We will work with the President—he will work with this President—because I have seen how he has worked with President Bush to further public education.

Senator KENNEDY and I are going to renew the war on cancer with a new vigor and we are going to do it together, and he is going to pass this legislation. I know he will be by my side in his fight and in his fight for the American people. We are going to support him at this time in every possible way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I intend to speak about Senator KENNEDY at a later time in more depth. Certainly there have been a lot of Senators who have said a quiet little prayer for the complete recovery of Senator KENNEDY that would include other colleagues, some of whom we do not even know about. Certainly we know about the recurrence of the cancer in the Senator from Pennsylvania, Mr. SPECTER. We certainly know of the physical health challenges the President pro tempore, Senator BYRD, is going through. Since this is a Senate family, perhaps the world at large doesn't understand that political differences, just as in a real family, can keep people separated. But when there is a time of need and healing, the family comes together. That is certainly the case in what we feel about Senator KENNEDY, Senator SPECTER, Senator BYRD. But I will be speaking about that later.

LYNDON BAINES JOHNSON

Mr. NELSON of Florida. Mr. President, when Lyndon Johnson was Senator and majority leader, he had observed that during the Korean war, often the Soviet Union held the high ground because their MiGs could fly higher than our planes. Certainly as majority leader he went through the shocks that the entire Nation experienced when the Soviets surprised us by the launch of the first satellite, Sputnik. We knew then that the Soviet Union had the high ground. At that point the Nation came together, realizing we had a serious problem because we had an adversary that was dedicated to the elimination of the United States of America and that for our defense interests we clearly had to start doing something about it.

There is the whole story of that extraordinary time of the late 1950s when America came together, when we finally had to reach out to a group of German scientists. We were fortunate, at the end of World War II, to get to Peenumunde, Germany, before the Soviets did, in order to get most of those German rocket scientists, led by Werner von Braun. Ultimately that was the team to which we turned to produce the rocket that could get our first satellite—Explorer was its name—in orbit. But that was after we were shocked.

This Senate, this Congress, under the leadership of Lyndon Johnson, said we have to organize ourselves in a way that we can take this on. That was the birth of NASA, 50 years ago this year. NASA was the National Aeronautics and Space Administration. Now that acronym has become the noun; everybody knows it as NASA. It was the organization that was given the task after that majority leader put that through this Chamber and through the Congress, to have it signed into law by President Eisenhower, with all the ingredients in the law that would give us this Federal agency that could take on this daunting task.

Along comes the election of 1960 and Lyndon Johnson doesn't get the nomination but, because the nominee is smart enough to realize he has to bring together the party in a tough election, Lyndon Johnson is his Vice President. So they get into their first year in office and the Soviets surprise us again and they take the high ground when they launch Yuri Gagarin into one orbit.

Mind you, we didn't even have a rocket at that point that we could put a human on the top of that could get us to orbit. We were still operating off of that Army Redstone rocket that von Braun had successfully put up to put the first satellite in orbit, but it only had enough throw-weight, or power, to take that Mercury capsule with one human in it and put it into suborbit.

I remember when I was a young Congressman back in the 1980s, one day Tip O'Neill, the Speaker, saw me on the floor and he said: Bill, come here. He knew I had just flown in space. He wanted to tell me a story. As a young Boston Congressman, Tip O'Neill was down at the White House—the John Kennedy-Lyndon Johnson White House—and he said: I had never seen the President so nervous that day. He was pacing back and forth. He was just like a cat on a hot tin roof.

He asked one of the aides what is going on, and he realized that Kennedy knew that we were just about to launch Alan Shepherd, only in suborbit—and this is a few weeks after Gagarin has already taken the high ground. Of course it was then a second suborbit with Grissom, and it was 10 months later that America had John Glenn climbing into that Mercury capsule on top of an Atlas rocket that had a 20 percent chance of failure. Of course we know the rest of the story.

Interestingly, what happened in between that time when the Soviets had taken the high ground with Gagarin up, before we could get Glenn up for three orbits, the President made the decision—and it was a bold, new vision—and said we are going to the Moon and back within 9 years. But then he turned to his Vice President to implement it. Therein lay the idea and the secret to one of the most successful governmental and technological achievements in the history of humankind with the White House, specifically the Vice President, directing the way, giving complete carte blanche to their newly selected Director of NASA, Jim Webb, to go forth and do this magnificent technological achievement.

Of course we had to scramble. Even after we had John Glenn up, the Soviets still held the high ground. They did the first rendezvous in space. But then we started to catch up and of course America knows this wonderful success story in which we were able to go to the Moon and return safely, a feat that has not been accomplished by any others.

I come back to why I am standing on this floor today. America has had that success because of the then Vice President of the United States, Lyndon Johnson, who then became President and pushed that program on through to extraordinary success.

It is fitting that the space center that trains those astronauts is named the Lyndon Baines Johnson Space Center.

The PRESIDING OFFICER. The majority leader.

REMEMBERING LYNDON BAINES JOHNSON

Mr. REID. Mr. President, it is my understanding that the time between now and noon is set aside for remarks regarding President Johnson; is that right?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Mr. President, in the summer of 1908, a man named Sam Ealy Johnson, Sr., rode through the Texas hill country, announcing to whomever happened to pass by, ''A United States Senator was born this morning!''

The name of his grandson—Lyndon Baines Johnson.

I am pleased today to mark the beginning of the celebration for the 100th birthday of that boy from Texas who would not only be Senator, but Senate majority leader, Vice-President, and President of the United States.

There is a tradition on the floor of the Senate of which our colleagues but few Americans are aware.

If you open any of the desks in the Senate Chamber, you will find carved the names of each Senator who was assigned the desk in years past.

Among the names carved in my desk is Lyndon Baines Johnson.

America and the world know Lyndon Johnson as the President with a steady hand that guided our country through a deeply troubled era—and was the guiding hand in creating the Great Society.

But those of us in the Senate—and his family and dear friends who join us here today—know that it was this Senate Chamber—this Capitol Building—that was his home.

Born in the Hill Country of Texas, Lyndon Baines Johnson came to the Senate in 1948 after prevailing in one of the closest Senate contests in American history.

As my colleagues well know, most rookie Senators arrive in Washington resigned to spending a few years getting to know the rules and traditions of this body—biding their time and gaining seniority.

Not Lyndon Johnson. His rise to power was laser-fast.

He was appointed to the powerful Armed Services Committee within his first 2 years, and was elected assistant democratic leader—or majority whip—in 1951.

No Senator ever rose to the leadership of the Senate faster.

But Lyndon Johnson had good timing as well as talent as his allies.

In the 1952 election, Dwight Eisenhower was elected in a landslide, sweeping Republicans into power in both the House and Senate.

Among the defeated Democrats was Majority Leader Ernest McFarland of Arizona.

With just 4 years tenure, 4 years in the U.S. Senate, Lyndon Johnson became the Democratic leader of the Senate.

At the time, the positions of majority and minority leader took a backseat to the powerful committee chairmanships.

Lyndon Johnson had a different vision, and it is no exaggeration to say that he singlehandedly made the job of leader what it is today.

After establishing himself as the legislative and political leader of the Senate Democrats, Johnson was uniquely well-positioned in 1954, when Democrats regained the majority and he became majority leader.

What followed is the stuff of legend.

Based upon his philosophy that ''The only real power available to the leader is the power of persuasion,'' Lyndon Baines Johnson used that power to the fullest.

In just 1 day in 1956, Lyndon Johnson's Senate confirmed two appointments and passed 90 bills a record that may stand for all time.

The quantity of Johnson's Senate work was impressive, but so was the quality.

As an exhibit at the LBJ library says:

By working to find common ground uniting liberals and conservatives alike, LBJ's Senate passed legislation to increase the minimum wage, extend social security benefits, increase public housing construction, create an interstate highway system, create a national space agency and enact the first civil rights legislation since 1875. The majority leader's inspiration was the prophet Isaiah, who preached ''Come now, and let us reason together,'' a philosophy—and a result—that unquestionably and dramatically improved the lives of all Americans.

On behalf of my colleagues, I welcome members of Lyndon Johnson's family, his former staff, and friends of the Johnson family to the U.S. Senate to mark his 100th birthday and honor his life.

This celebration is tinged with sadness that his beloved wife Lady Bird passed away last year and is not with us today.

As President, Lyndon Johnson once said—''This nation, this generation, in this hour has man's first chance to build a Great Society, a place where the meaning of man's life matches the marvels of man's labor.''

Lyndon Baines Johnson's pursuit of a Great Society is a legacy that changed America forever and will last as long as our Republic stands.

Mr. MCCONNELL. Mr. President, I am honored to rise today to speak on the life and legacy of Lyndon Baines Johnson. He served his country as a teacher, naval officer, Congressman, Senator, Vice President, and finally President of the United States. In every stop along the way of his storied career, he blazed new boundaries of the possible in American politics.

When Lyndon Johnson first came to this body in January 1949, he was teased by his fellow Senators with the nickname ''Landslide Lyndon,'' due to his victory in the Texas senatorial primary election by just 87 votes. Within a few years he had taken the fastest path to being elected a floor leader in Senate history.

Johnson went on to serve as both minority leader and majority leader during the 8 years of the Eisenhower administration, and shaped legislation dealing with the Cold War, agriculture, labor and civil rights.

Lyndon Johnson showed the same compassion and courtesy to the Texas rancher or the destitute living in America's deepest pockets of poverty as he did to the powerful and the mighty. In fact, through his generosity of spirit, he made a friend out of one special Pakistani camel-cart driver.

Some of my colleagues who are old enough may remember that in 1961, as Vice President, Johnson toured the country of Pakistan and at one point stopped to meet an illiterate camel-cart driver named Bashir Ahmad.

Still displaying his Texan manners half a world away, the Vice President told the man, ''You all come to Washington and see us sometime.'' Imagine his surprise when Bashir Ahmad decided to take him up on his request.

But the quick-thinking Johnson turned his unexpected guest's visit into a boon for American-Pakistani relations. He met Ahmad personally at the airport, to see the man at the end of his first-ever jet plane ride.

Johnson treated his guest to a barbecue at the LBJ ranch in Texas, enabled him to step onto the floor of this U.S. Senate, and arranged for his visit to the Lincoln Memorial.

He even brought together the camel-cart driver and the former U.S. President, Harry Truman, who was so taken with Ahmad's eloquence that he referred to the Pakistani visitor as ''His Excellency.''

The final Johnson touch came just as Bashir Ahmad was about to board his plane for the ride home back to Pakistan. He opened a telegram from the Vice President which read: ''Since your return to Pakistan takes you so close to Mecca, arrangements have been made . . . for you to visit there.''

This was just one example of many of the canny Texan's consummate political skills.

Now just like Bashir Ahmad, I had the honor of being in Lyndon Johnson's presence once, and for a very momentous occasion. In August 1965, I came here, to our Nation's Capitol, to visit Senator John Sherman Cooper.

In 1964, after receiving my undergraduate degree from the University of Louisville, I worked as an intern for Senator Cooper and watched up close as he applied his wisdom and experience to the issues that gripped Kentucky and the Nation in the 1960s.

After completing my first year in law school, I came back to Washington to visit the Senator who had become my mentor and friend.

I was waiting to see Senator Cooper in his outer office when suddenly he emerged and motioned for me to follow him. We walked together from his office in Russell 125 to the Capitol Rotunda, where I saw more people, and more security, than I had ever seen before.

Then Senator Cooper told me what was happening: President Johnson was about to sign the Voting Rights Act, an act that was the culmination of Lyndon Johnson's years of effort in support of civil rights that had begun when he still served in the Senate.

Soon enough, the President emerged. Every good biography of President Johnson describes him as a larger-than-life man, with an imposing physical presence. Let me testify right now, from personal experience, that they are correct.

President Johnson seemed to tower a head taller than anyone else in the room. He was a commanding figure that immediately filled the Rotunda.

A journalist once described a typical Lyndon Johnson entrance as ''the Western movie barging into the room''—it's hard to put it better than that.

I was overwhelmed to witness such a moment in history. As he was about to sign the legislation that he would later point to as his greatest accomplishment, President Johnson said, ''Today is a triumph for freedom as huge as any

victory that has ever been won on any battlefield.''

Although I am sure that if my good friend Phil Gramm, the former Senator from LBJ's own Lone Star State, were here, he would add one more honor that ranked above all the rest: Lyndon Baines Johnson, Texan.

Today this U.S. Senate recognizes the legacy of Lyndon Baines Johnson and his many achievements. I join with my colleagues today in asking all Americans to celebrate the Lyndon B. Johnson Centennial.

Mr. DURBIN. Mr. President, in the opening pages of his acclaimed biography, ''Master of the Senate,'' Robert Caro describes Lyndon Johnson in his prime, as majority leader. He recalls how LBJ would come barreling through those swinging double doors in the Democratic cloakroom and stride out onto this floor—all 6-feet 4-inches of him—looking for that last vote he needed to carry his cause. He was, Caro said, like a force of nature.

As the Democratic whip, I have the privilege of occupying an office in this building that LBJ used when he was majority leader of the Senate. This afternoon, I had the privilege of meeting in that office with a longtime assistant of LBJ's, Ashton Gonella.

Mrs. Gonella regaled my staff and about how the office was arranged then, and what it was like to work for Lyndon Johnson.

She said that her desk was located in an outer office, just outside LBJ's office. At 5 o'clock each evening is when the real negotiating began, she said.

Part of her job was to spot a Senator as he walked down the hall, headed for an appointment with LBJ, and have that Senator's favorite drink mixed and ready for him by the time he reached her desk. The Senator would then walk in to see the majority leader and together, they would see if they couldn't find some way to reach an honorable compromise on the issue at hand.

Those were different days in the Senate. If you come to my office today, the strongest drink you are likely to be offered is a cup of coffee or a soda.

I tell that story about LBJ partly to illustrate a point: When it comes to negotiating compromises and finding that lost vote needed to pass a bill, few Senators in the history of this institution have ever come close to Lyndon Johnson.

Stiff drinks were only one of the many means he employed.

There is a famous series of photographs taken by a New York Times photographer. It shows LBJ as majority leader, trying to persuade Senator Theodore Francis Green of Rhode Island to see things LBJ's way. The photos depict what journalists used to call ''the full Johnson treatment.''

That experience was probably best described by the journalists Bob Novak and Rowland Evans in their book, ''Lyndon Johnson: The Exercise of Power.'' As they put it:

> The Treatment could last 10 minutes or four hours . . . Its tone could be supplication, accusation, cajolery, exuberance, scorn, tears, complaint, the hint of threat. It was all of these together. It ran the gamut of human emotions. Its velocity was breathtaking, and it was all in one direction . . . He moved in close, his face a scant millimeter from his target . . . his eyes widening and narrowing, his eyebrows rising and falling. From his pockets poured clippings, memos, statistics. Mimicry, humor and the genius of analogy made the Treatment an almost hypnotic experience and rendered the target stunned and helpless.

Almost always, the ''treatment'' succeeded.

He was a master of political power and persuasion. He knew how to accumulate power. More importantly, he knew how to use his political power to make government work. He believed that one of the purposes of government was to try to make America better and more just.

When he was 21 years old, Lyndon Johnson had an experience that had a profound and lasting effect on him. He was studying at Southwest Texas State Teachers College and he took a year off to teach poor Latino children in the little town of Cotulla, TX, near the Mexican border.

Nearly 40 years later, President Johnson spoke of those children and the impact they had on him. Proposing the Voting Rights Act to a joint session of Congress, then-President Johnson said, ''Somehow, you never forget what poverty and hatred can do when you see its scars on the hopeful face of a young child.''

He added:

> I never thought then, in 1928, that I would be standing here in 1965. It never even occurred to me in my fondest dreams that I might have the chance to help the sons and daughters of those students and to help people like them all over this country. But now I have that chance—and I'll let you in on a secret—I mean to use it.

When he was told that his support for the Voting Rights Act might cause problems for his Administration, LBJ reportedly replied: Well, what the heck's the presidency for? Only he used a different word than ''heck.''

As a Senator and as President, Lyndon Baines Johnson used what power he had to help give our Nation some of the most important legislation of the second-half of the 20th century—including the Civil Rights Act of 1957—the first civil rights bill in nearly a century—the landmark Civil Rights Act of 1965, the Voting Rights Act, the Elementary and Secondary Education Act, the Fair Housing Act—the list goes on and on.

He was not perfect, by any means. But he helped move America forward in many important ways.

Another phrase that Lyndon Johnson used often was a passage from the Book of Isaiah. It has been a favorite passage of his father's. ''Come, let us reason together.''

He believed that in a democracy, people could usually find an honorable compromise if they would just talk to each other and ''reason together.''

In this year of the centennial of his birth, our Nation would be well served if we would all take that lesson to heart.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I rise today to talk about one of the most significant Presidents of the 20th century, Lyndon Baines Johnson. Of course, I am especially proud that he is a Texan, my home State, and was the first President to be elected from Texas.

This is the 100th anniversary year of the birth of President Johnson. We all know, during his 6 years as President, he was a passionate advocate for equal rights and expanded opportunities for all Americans.

I did not know President Johnson personally because I was a freshman member, very new member of the Texas legislature, when he died in 1973.

But the gracious family, Lady Bird Johnson, that ever wonderful hospitable wife whom we all loved, wanted to make sure all the legislators in Texas were invited to his funeral. So I was able to attend at the Texas ranch, which of course was a beautiful tribute to his life in the place he loved the most.

Though I did not know him, I will certainly say that since I came to the Senate, I have heard story after story after story about his service in this body. The book about his life, called ''Master of the Senate,'' is considered required reading for all of us here.

Because, in fact, he was a master of this Senate. He did things as majority leader that had never been done before. I have been privileged to know his wonderful wife Lady Bird Johnson, who is one of our most loved First Ladies in the history of our country.

Lady Bird died last year, as was mentioned before. She, in her own light, left a legacy. He worked with her on many of the things she did. The beautification efforts Lady Bird contributed to our country are a part of the overall LBJ legacy. Of course, Head Start, which is one of the major accomplishments of the LBJ administration, giving every child that head start before they enter the first grade so there would be a more level playing field, was also a Lady Bird Johnson initiative.

They worked together to make sure the children of our country had that opportunity. I wish to talk a little bit more about that in a few minutes. But I do wish to mention two of the people I now consider among my real friends, Linda and Luci.

Linda and I went to the University of Texas together. We became friends there. She is a wonderful person. I have become friends with Luci as I have worked for the LBJ Library.

I will never forget, as long as I live, that I was in Austin and was promoting giving blood for one of the disasters,

and they needed more blood at the blood bank. I heard on the radio that Luci Johnson had gone to give blood after she heard I was there and promoting the giving of blood. That is the kind of person she is.

She and Linda truly carry on the legacy of their mother, Lady Bird who was a gracious, thoughtful, wonderful person.

Linda and Luci take after their mother, and, of course, the President whom we all appreciated so much for the leadership he gave. They had a wonderful partnership, where they filled in for what the other did not have.

Lyndon Johnson was born in Stonewall, TX, in 1908. After graduating from high school and spending a year as an elevator operator, he began his career in the field of education.

In 1927, he borrowed $75 and started attending Southwest Texas State Teachers College in San Marcos, which today is Texas State University. After graduating in 1930, he devoted a year to teaching Hispanic children at the Welhausen School in Cotulla, which is 90 miles south of San Antonio.

Decades later, when he was in the White House, President Johnson reminisced:

I shall never forget the faces of the boys and girls in that little Welhausen Mexican School, and I remember even yet the pain of realizing and knowing then that college was closed to practically every one of those children because they were too poor. And I think it was then that I made up his mind, that this Nation could never rest while the door to knowledge remained closed to any American.

Lyndon Johnson never did rest. After serving as a teacher and principal in 1935, he was appointed head of the Texas National Youth Administration. Then 2 years later, he ran for, and won, a seat in the U.S. House of Representatives. He was subsequently reelected to the House in every election until 1948 when he was elected to the Senate. He later went on the ticket with President John Kennedy. It was on November 22, 1963, that fateful day that none of us will ever forget, that Lyndon Johnson became the 36th President of the United States. During his Presidency, Lyndon Johnson moved aggressively to confront the problems that plagued America, especially the extraordinary challenge that had vexed our country since its very beginning, the challenge of racism.

In 1964, Lyndon Johnson used his formidable legislative skills, honed from his days right here in this Chamber as majority leader, to pass the Civil Rights Act. Then, in 1965, he pushed Congress to pass the Voting Rights Act.

The Civil Rights Act was the culmination of a decade-long civil rights movement led by Dr. Martin Luther King, Jr. But in a real sense, it was the fulfillment of a two-century struggle to give life to the words in our Declaration of Independence, ''that all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness.''

During his term in office, President Johnson also embarked on a war on poverty, creating government programs such as food stamps, the Job Corps, the Community Action Program, and Vista, among others. The war on poverty was a part of a larger initiative that President Johnson called the Great Society. One of the most important aspects of the Great Society was improving American education. President Johnson believed that every American needed a solid public education to turn the aspirations of the Great Society into reality. In his words:

We must open the doors of opportunity, but we must also equip our people to walk through those doors.

From 1963 to 1969, President Johnson signed over 60 education bills, including a pair of landmark achievements: the Elementary and Secondary Education Act and the Higher Education Act. He also launched Project Head Start. In a very real sense, he was America's first education President.

As President, Lyndon Johnson opened the doors of opportunity for millions of Americans, but he would be the first to acknowledge that we still have a long way to go. As a former teacher, he knew how important education was to the competitiveness of our country. Because of his achievements in the field of education, I worked with all of my colleagues to pass a bill last year naming the Department of Education headquarters after President Johnson. This is the only building in the District of Columbia that bears the name of our 36th President. While attending the naming ceremony last year, I couldn't help but think of Lyndon and Lady Bird Johnson looking down on us and smiling with pride.

I want to also mention something that my colleague, Senator BILL NELSON, mentioned because another of his legacies, of course, is NASA. We all remember when President Kennedy renewed our space initiative, but it was President Johnson who took that initiative—the wonderful words we all remember of President Kennedy, that we would put a man on the Moon—and implemented that vision and made sure that we had the wherewithal to do it. We needed the money. We needed to encourage scientists to propel us into space and put us eventually on the Moon. It was President Johnson, and we now have the Johnson Space Center near Houston, Texas, where we still remember the words: Houston, the Eagle has landed. When we did land on the Moon, it was the first words back to the Johnson Space Center that people heard Neil Armstrong say on that wonderful day.

As a Texan and an American, I am certainly proud of the achievements of President Lyndon Johnson. In his farewell speech, President Johnson said:

I hope it may be said, a hundred years from now, that by working together we helped make our country more just, more just for all its people, as well as to ensure and guarantee the blessings of liberty for all of our posterity.

It has been almost 40 years since that speech and 100 years since his birth. Looking back, I think we can safely say that our country is more just, and it is more prosperous, thanks in part to the leadership of President Johnson.

On this LBJ day in our Nation's Capital, let's remember a man who helped our country reach the promise of her founding document and gave us a vision of a better America that even now is worthy of our commitment. I am a cosponsor of the resolution honoring President Johnson's service and his positive legacy for our country.

I am pleased to note that in the gallery we have the President's family, and we have the President's extended family. He always considered the Members of his Cabinet, the members of his staff, his extended family. We have the people who are carrying on his legacy, the people who run the LBJ library and the LBJ school, which is such an important part of my alma mater, the University of Texas. It is such a wonderful place for students to come and learn about his era in office, public service. We are in the process of expanding and renovating the library, making sure the library stays the wonderful edifice that it is, with all of the wonderful artifacts in it. There will be a plaza called the Lady Bird Johnson Plaza that will also celebrate the beautification she gave to our country right there on the campus of the University of Texas. The people who are keeping that legacy alive are also with us today. The LBJ ranch that he loved so much, where he and Mrs. Johnson are buried, is also now a park. It is a State park and a national park where people can come and have the freedom to roam. They will be able to walk on trails. They will be able to see a great part of the State that I love so much and he loved so much. The fact that we are preserving that as a park will be one more way to show the love that he and Lady Bird Johnson had for our country.

This is a great day for us in the Capitol. I am proud to be a part of the resolution honoring this wonderful family.

I yield the floor.

Mr. CORNYN. Mr. President, I am pleased to come to the floor today to honor one of Texas' most famous leaders, President Lyndon B. Johnson. This year will mark the 100th anniversary of his birth, and the LBJ Foundation has chosen this week to honor his service to America in Washington, DC.

Texas has a rich history of men and women—often from humble beginnings—who work to accomplish great things. Lyndon Johnson was no exception. Johnson was born near Stonewall,

TX, nearly 100 years ago, to Texas legislator and poor farmer Samuel Johnson, Jr., and Rebekah Baines.

Johnson was a natural public servant. In his early days he studied at then Southwest Texas University's teaching college. One of his first teaching jobs was at a small school in Cotulla Texas for Mexican-American children. His work with those students would forever shape his dedication to those in need.

''[They] had so little and needed so much,'' he once remarked. ''I was determined to spark something inside them, to fill their souls with ambition and interest and belief in the future.'' This eagerness to help others would be a noble and defining characteristic of Lyndon B. Johnson.

While he spent time teaching at several schools across Texas, it was not long before Lyndon Johnson took his first foray into public politics.

Johnson quickly worked his way through the Texas State Legislature and into the U.S. House of Representatives, and eventually into the U.S. Senate.

The seat he took, I should note, is the same seat once held by another very famous Texan, Sam Houston. That same seat now carries a long and honored lineage, and it is my privilege to now serve in this esteemed seat.

Early on, Senator Johnson made a name for himself as a man of action, who would work across the aisle to pass important legislation, and who held an incredible power of persuasion. He quickly became majority whip, and eventually majority leader of the Senate.

I know that one of his greatest accomplishments in the U.S. Senate was the passage of the Civil Rights Act of 1957—a landmark bill to help ensure the right of all people to vote. Of course, Johnson's legacy as a staunch defender of civil rights would not end there.

Of course, Lyndon Johnson's presidency would come in the wake of national tragedy. Despite the conditions under which he took office, President Johnson helped console a nation in mourning, and ensure that America would recover—both physically and emotionally.

President Johnson continued the same fervent defense of Civil Rights in America that he had begun early in his life. He helped enact the Civil Rights Act of 1964, and the famous Voting Rights Act.

At the same time, Johnson worked tirelessly to ensure a better education for all American children, and was a key proponent of NASA and the space race.

Despite the turbulent times under which he served this country, President Johnson did his best to unite our country and promote a freer, more equal society. He will long be remembered for his great advances for the sciences, education, and civil rights—to name just a few accomplishments.

It is my pleasure to stand today and honor President Johnson for his service, not only to Texas, but to our Nation as a whole. In his service to our country he never forgot the many Texas values with which he was raised, and as such he and his wife, Lady Bird Johnson, became iconic figures in Texas History.

Mr. MENENDEZ. Mr. President, this year we celebrate the centennial of the birth of a man who dedicated his life to the proposition that all of us are created equal. A legislator, a president of the Senate, a President of the United States: Lyndon Baines Johnson.

It wasn't just that Lyndon Johnson was one of the first Presidents to care deeply about the well-being of people of color. It was that he was uniquely capable of turning that desire to help into results.

It is almost impossible to overstate the impact of the legislation he pushed through Congress, impossible to overstate how much better off we are as a nation thanks to his heroic efforts to guarantee civil rights voting rights and educational opportunity for all.

Whatever else people will note about Johnson's life, whatever disagreements anyone had with him, whatever brush historians will use to paint him, there is no one who can convincingly cast doubt on his very real devotion to the interests of the less fortunate.

In 1928, Johnson took time off from teacher's college to teach at a small school for young Mexican Americans in Cotulla, TX. Right before he signed the Higher Education Act in 1965, Johnson thought back on his time in the classroom.

He said:

I shall never forget the faces of the boys and the girls in that little Welhausen Mexican School, and I remember even yet the pain of realizing and knowing then that college was closed to practically every one of those children because they were too poor. And I think it was then that I made up my mind that this nation could never rest while the door to knowledge remained closed to any American.

I was 11-years old when he spoke those words. Seven years later, when it was time for a Latino kid from a working-class family to go to college, I could do it, because of educational assistance from the federal government, assistance Johnson had championed.

Because of him, I could go on to law school. Because of him, I felt that no door in public service could legitimately be closed to me. It is a powerful truth, and it is very clear: I would not be standing here today if it weren't for Lyndon Johnson.

If he were still standing here today himself, still a U.S. Senator, it is hard to believe there would be an atmosphere of hyperpartisanship. It is hard to believe that he would allow compassion to lose out to suspicion in guiding the business of our Nation.

If only he could be with us today, each time we are on the verge of a crucial vote that will test our conscience, if only all Senators could see Johnson's figure towering over them, feel his hand on their lapel, hear his voice in their ear, pushing the legislative process toward a just conclusion.

So as we remember his life this year, there is no better time to rededicate ourselves to the greatest of the principles for which he lived.

There is no better time to make sure that when we sit in the presiding chair, we swing the gavel for justice; that when we speak, we raise our voices for equality; that when we vote, we vote for compassion for fellow human beings regardless of the color of their skin, the language that they speak, or the country in which they were born.

Even in his absence, let us remember his conscience. Let us allow his memory to shame the shadows of bigotry out of this Chamber. And let us fill our hearts with his spirit, so in our Nation, the spirit of progress will endure.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Hawaii.

Mr. INOUYE. Mr. President, in 1960, when I was a young Member of the United States House of Representatives, I had the high privilege and the great honor of seconding the nomination of Lyndon Baines Johnson for President of the United States at the Democratic National Convention in Los Angeles. But, as we all know, Senator John F. Kennedy was nominated. However, before the convention adjourned, Senator Johnson was selected as Senator Kennedy's running mate. In November of that year, the Kennedy-Johnson team prevailed by a very close margin. But in 1963, the tragedy of Dallas brought this winning combination to an abrupt and sad halt.

Lyndon Johnson succeeded President Kennedy, but it was sadly clear to all of Lyndon Johnson's friends that this was not the way he wanted to become President. Nonetheless, Lyndon Johnson assumed the awesome responsibilities of the Presidency and carried forward the unfinished work of President Kennedy.

A year after the assassination, Lyndon Johnson guided the Civil Rights Act of 1964 into becoming our Nation's landmark law on civil rights. It was a great step forward in the rights of men and women. It was also a great step forward for our Nation. But Lyndon Johnson did not stop. In 1965, he secured passage of the Voting Rights Act, opening polling places to all African Americans in the South. Two years later, he nominated the first African American to serve on the Supreme Court. His nominee, Thurgood Marshall, became recognized as one of the High Court's finest Justices. In fact, it was Lyndon Johnson who, during the 11-year period from 1957 to 1968, was behind the first five civil rights laws in our history, either as author or chief architect or primary sponsor.

For a southerner like Lyndon Johnson, taking such a leading role on civil rights took a special sort of courage. Yet he knew he was doing the right thing. He transformed the Emancipation Proclamation of more than 100

years ago into becoming a reality. Civil rights was one of the building blocks that President Johnson envisioned for the Great Society of America. His Great Society Program, which the Congress embraced, provided greater support for education, especially of poor children. From 1963 to 1968, Congress followed his lead and enacted more than 40 major laws to foster education. He also supported the arts and humanities by establishing the national endowments.

His Great Society declared war on poverty. He aided millions of older Americans with passage of the 1965 Medicare amendment through the Social Security Act. He also championed older Americans with the passage of legislation in 1967 against age discrimination in the workplace.

As President, Lyndon Johnson also worked for peace and the survival of mankind. In 1967, he secured the ban on atomic weapons in space, and this is the universal law at the moment. The following year, the Nuclear Non-Proliferation Treaty was signed, and it still stands. Unfortunately, Lyndon Johnson did not seek reelection in 1968 because of the war in Vietnam. But his legacy of leadership in both the Senate and the White House continues to this day.

The man from Texas will always loom large in the history of the United States. For me, it was a most special privilege and a great honor to have known and worked with Lyndon Baines Johnson.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I first came to the Senate in 1967 as a young aide to Senator Howard Baker and was here during the last two years of the Johnson Presidency. So, I heard firsthand stories about Lyndon Johnson, the Senator, and his larger-than-life, in-your-face personality with other Senators. I felt, in the elections of 1966 and 1968—which were my first in politics—how his support for civil rights legislation had made him a controversial President. I felt, also, at my age, the agony of the war in Vietnam. And I watched, with surprise, on television in 1968 when he said he would not run for another term in the Presidency.

Now, today, 40 years later, I see him as I think most Americans clearly see him: as one of our most consequential Presidents and public figures.

Every January or February, my youngest son and I go to Cotulla, TX. Senator HUTCHISON spoke of Cotulla, TX as the place where Lyndon Johnson taught in the elementary grades. I never cease to go to Cotulla, TX without thinking of what a remarkable comment it is upon our country to think that a graduate of San Marcos State could go to Cotulla, TX, and be teaching in an elementary school, and then 13 years later be in the Senate and on his way to being the Minority leader, the Majority leader, the Vice President, and then President of the United States.

There are many examples of how in our country anything is possible. I know of no better example than the life of Lyndon Johnson.

Others will say more about President Johnson and his contribution to the Senate and to our country, but today I want to say a few words about his family. My contemporaries were the Johnson children, Luci and Lynda, and especially Lynda and Chuck Robb. Chuck was Governor of Virginia when I was Governor of Tennessee. We have known each other well since that time.

I saw their daughter, Jennifer, this morning, and I can remember when she had our youngest son Will in a headlock one time at a Governors Conference. I can remember learning, either from Lynda or perhaps it was from Luci, lessons about how children—and the Presiding Officer will appreciate this, especially since his father was a distinguished Governor of Pennsylvania—about how to grow up in a family where your parents are public officials, as Senators or Governors or even Presidents, in their case.

One of the Johnson girls told me she did not like very much going to political events—our children were much the same—until one day their father, President Johnson, said: Let me make a suggestion to you. I want you to find one interesting thing about three people at the event you go to, and then come back to me afterwards and tell me what you found out. Lynda told me that changed the way she thought about going to those events. It gave her a way to go to them and make them more interesting. I told all of our children that, and they did it as well. It was good advice for children of parents in public life.

But in speaking of the family, I want to especially speak of Mrs. Johnson, Lady Bird, and her contribution to preserving the natural beauty of America.

Mrs. Johnson convened the first White House Conference on Natural Beauty, saying:

> Surely a civilization that can send a man to the moon can also find ways to maintain a clean and pleasant earth.

She became the de facto leader of the scenic conservation movement. She raised our consciousness about the natural world in our lives. It is fair to say she is probably the most influential conservationist in America since Teddy Roosevelt.

When I visit my wife's home in the State of Texas in the spring, there are bluebonnets everywhere. Texans are immensely proud of those flowers. In Austin—and Luci Baines reminded me today it is still going stronger than ever—is the Lady Bird Johnson Wildflower Center.

Many States copied Texas' idea of planting wildflowers in the interstate medians. Lady Bird and Lyndon passed the Highway Beautification Act to free us from highway billboard blight and rampant ugliness.

With her encouragement, President Johnson also persuaded Congress to pass the Wilderness Act, the Land and Water Conservation Fund Act, and the Wild and Scenic Rivers Act. She became the first woman to serve on the National Geographic Society's board of trustees.

President Johnson used to joke about how he would turn around and there would be Laurence Rockefeller and Lady Bird in the East Room of the White House cooking up some new conservation agenda for him to pass in the Congress.

Her legacy of natural beauty is secure, but because she is now gone, America's legacy of natural beauty is not so secure. We seem to have forgotten how much natural beauty is an essential part of our national character. Someone once said: Egypt has its Pyramids, Italy its Art, and our country the Great American Outdoors. Or, to put it less grandly, when I am at home in Tennessee, I see the streets named Scenic Drive and Blue Bird Lane, and I read the real estate ads describing the beautiful mountain views. And, if you ask Tennesseans why they live in Tennessee, even the most grizzled will say: Because there is not a more beautiful place in the world.

Many Americans feel that way about our hometowns. After Lady Bird, there have come a number of stronger and more outstanding environmental organizations devoted to clean air, clean water, and climate change, and more recently, other conservation causes. But most of them seem to have diminished interest in scenic beauty.

There was recently on the Senate floor an effort that nearly succeeded to gut Lady Bird's Highway Beautification Act. It would have allowed hundreds of illegal billboards to become legal. There has been almost no organized outcry about the profusion of thousands of cell towers along the same interstates and in the same communities that Lady Bird sought to protect from junkyards and billboards. These cell towers have replaced almost every available scenic view in America with a tall tower, usually ugly, always with blinking lights. And, most of it is unnecessary because they could have been co-located, or be smaller, or they could have been put below the ridge tops, or even camouflaged. And we still could have had access to our cell phones and our blackberries. The National Park Service even erected a cell tower in clear view of Old Faithful in Yellowstone National Park.

In our enthusiasm to deal with climate change, we are spending billions of dollars to encourage Americans to erect thousands of giant wind turbines that are twice as tall as football stadiums and can be seen for 20 miles, without thinking to pass legislation that would keep them away from our most scenic views, beaches, and mountaintops.

If Ansel Adams were alive today, he would probably be distraught because

he would have fewer and fewer beautiful places in America at which to aim his camera.

Lady Bird left America a legacy that honors an essential aspect of the American character, one that today is, unfortunately, too often ignored. If it continues to be ignored, it will never be undone. It is almost impossible to unclutter a highway or renew a view scape once that has been obliterated by ugliness.

So, I would hope that one result of this commemoration of Lyndon Johnson's birthday would be to encourage someone among us—or more among us—to revive in us Lady Bird's passion for the natural beauty of America, to encourage once again the planting of wildflowers, to preserve the view scapes, and to remind American communities of how satisfying it can be to live in one of the most beautiful places in the world.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, Lyndon Johnson has always been a personal hero to me. Every time I find myself in Austin, TX, I make a visit to the LBJ Library. Only for me, it is not a trip, it is more of a pilgrimage. I have been to that library so many times I think I could conduct a blindfolded tour by now.

I was just there a couple months ago. My favorite place in that library, of course, is the Great Society Room, with the plaques on the wall listing the incredible array of legislation and programs that Lyndon Johnson passed into law. You go down it and you read them all: the Civil Rights Act, the Voting Rights Act, Job Corps, VISTA, Upward Bound, the Food Stamp Program, legal services for the poor, the Community Action Program, Community Health Centers, Head Start, the Elementary and Secondary Education Act, the Higher Education Act, Medicare, Medicaid, the National Endowment for the Arts and Humanities, public broadcasting, the National Mass Transportation Act, the Cigarette Labeling Act, the Clean Air Act, the Wilderness Act—Mr. President, it takes your breath away when you look at what this one person, with a Congress, was able to accomplish.

So, Mr. President, I come to the floor today to talk about the ''failure'' of the Great Society. Yes, the ''failure'' of the Great Society. At least that is what I have been hearing ever since I first started running for office in 1972 and 1974, coming to the House, and then to the Senate. All those years I have heard from most of my friends on the other side of the aisle and the conservatives what a great ''failure'' the Great Society was. In fact, this supposed ''failure'' has become an article of faith among conservatives.

As President Reagan said on May 9, 1983:

> The great expansion of government programs that took place under the aegis of the Great Society coincided with an end to economic progress for America's poor people.

So I thought I would come to the floor today to discuss the ''failures'' of the Great Society. Well, I wonder where to start. But I suppose a good place to start is with the great Civil Rights Act of 1964.

Think about it. Prior to that act, African Americans faced brazen discrimination and segregation—the American version of apartheid. In many parts of our country, African Americans could not eat in the same restaurants or at the same lunch counters as Whites. They could not use the same bathrooms, the same swimming pools, the same water fountains, the same motels, the same hotels. They literally were consigned, as we know, to the back of the bus.

Well, because of the Civil Rights Act of 1964, and Lyndon Johnson's championship of it, those Jim Crow laws and practices were ended in the United States of America. It became illegal to discriminate based on race, color, religion, gender, or national origin. Now we take it for granted that people of color, different nationalities, different religions are seen in our parks and playgrounds, our libraries, our swimming pools, our sports arenas, our motels and hotels, but it was not so long ago that this was not so. Hardly a ''failure.''

Another ''failure'' of the Great Society, of course, the Medicare Program. Let's take a look at that. At the bill signing ceremony on July 30, 1965, President Johnson enrolled former President Harry Truman as the first Medicare beneficiary and presented him with the first Medicare card.

We always talk about life after age 65 as the ''golden years.'' For many, prior to Medicare, life at 65 used to be the ''nightmare years''—with tens of millions of Americans unable to even afford basic medical care, condemned to living out their senior years in the misery of untreated or poorly treated illnesses or diseases.

Here, Mr. President, I want to get personal. See, my father, Patrick Harkin, was 54 years old when I was born. My father had an eighth grade education. Most of it he spent as a coal miner. Now, most people don't think there are coal mines outside of Pennsylvania or West Virginia, but Iowa at one time was the second largest coal-producing State in the Nation. Young kids who didn't go to school went to the coal mines. So my father worked for the greater part of more than 20 years in the coal mines. Later on in life, he suffered what they called then the miner's cough, which we now know is black lung disease.

My mother died when I was 10. My father was just about 65, and he had paid enough in, in the 1940s, to qualify for Social Security. So he had Social Security. He had three kids under the age of 18 and no money. He lived in this little two-bedroom house out in the middle of smalltown Iowa. But we had Social Security that kept us together. But I can remember it was like clockwork: Every year, every winter, my father would get sick. He had this miner's cough, and usually in the winter it would get worse and he would come down with pneumonia or something like that. Since we didn't have a car, one of my cousins or someone—and my father did not want to go to the hospital because we didn't have any money. He wouldn't see a doctor because we didn't have money. So one of my cousins or somebody would come over, and he would finally get so sick he couldn't stand it, and they would rush him to Mercy Hospital in Des Moines. Thank God for the sisters of mercy at Mercy Hospital. They would nurse him back to health, get him OK, send him back home. This happened like clockwork every winter. My father was always bothered by it. He was proud. He didn't like to accept charity. Heck, if left to his own devices, he probably would have died a long time before then because he just wouldn't have accepted that kind of medical care.

I can remember coming home on leave from the Navy for Christmas 1965. Now, I hadn't been paying too much attention—I was just trying to keep alive, so I wasn't paying too much attention to legislation and things such as that. I didn't mark the passage of the Medicare bill. I didn't know it even happened. As I said, I was just in the military doing my thing. But I can remember coming home on that Christmas break and seeing my dad, and he showed me his Medicare card. Now he could get medical care. He could go to the doctor. He could go and get taken care of before he got so sick he had to go to the hospital every time. You can't imagine what this was like for him. You see, he felt he had earned this through a lifetime of hard work, working for our country, raising a family. This was not charity. He had earned this. It was part of his Social Security.

So when someone tells me about Medicare, part of the ''failures'' of a great society—hardly a ''failure.'' I wonder why there aren't more people out here rushing to introduce bills to repeal it if it is such a great ''failure.'' It has saved so many people in our country, such as my father, who lived out the remainder of his years in a little bit better health because of Medicare. So it is very personal with me.

Another ''failure'' of the Great Society was the Higher Education Act. In 1965, it was rare for young people from disadvantaged and low-income backgrounds to go to college. The only way I got there is I had an NROTC scholarship because of the Navy. That was the only way I was able to go to college. So President Johnson passed the Higher Education Act, creating work-study programs, loans with reduced interest rates, scholarships, opening the door to college for tens of millions of Americans to have access to the American dream—again, hardly a ''failure''.

In August 1964, Lyndon Johnson signed into law the Food Stamp Act. Prior to that act, hunger was shockingly widespread in America, especially in Appalachia and rural parts of our country and in our inner cities. Thanks to the Food Stamp Program, hunger in America is rare. Tens of millions of Americans—more than half of them children—are ensured a basic nutritional minimum thanks to this program. The farm bill we just passed, with the Presiding Officer's help in getting it passed, expanded the Food Stamp Program. It took out some of the barriers to access, so families in America can get more access for their families and their kids.

In the State of the Union Address in 1988, President Reagan said that the Great Society ''declared war on poverty and poverty won.'' He said this in the State of the Union Address. It is another Reagan myth. Look at the facts. Look at the data. From 1963 until 1970, during the impact of the Great Society programs, the number of Americans living below the poverty line dropped from 22.2 percent to 12.6 percent. The poverty rate for African Americans fell from 55 percent to 27 percent. The poverty rate among the elderly fell by two-thirds. This is an amazing success.

What is unfortunate is that the poverty rate has not fallen significantly since 1970. Our progress has been stalled. Indeed, in the last few years, the gap between the rich and the poor in this country has grown dramatically. So we need a new generation of American leaders committed to reducing the gap. We need a new generation of leaders with Lyndon Johnson's passion and commitment to fighting poverty and hunger and homelessness and inequality and discrimination.

Any fairminded observer would say that LBJ's Great Society was far from a ''failure;'' it was a monumental success. The Great Society programs defined the modern United States of America as a compassionate, inclusive society, a genuine opportunistic society where everyone can contribute their talents and abilities. The Great Society is very much the living legacy of our 36th President. We see the Great Society today in cleaner air and water, young people from poor backgrounds going to college, seniors and poor people having access to decent medical care, and people of color exercising their right to vote and live in the neighborhood of their choice. We see the Great Society in Head Start, quality public schools, vocational education, college grants and loans—all those rungs on the ladder that people need to achieve the American dream, even those from humble, hardscrabble backgrounds, such as Lyndon Johnson himself or this Senator from Iowa.

Americans have a tendency to take for granted the achievements of the Great Society. But just imagine an America without Medicare, without the Civil Rights Act, without the Voting Rights Act, without title I of the Elementary and Secondary Education Act, without Head Start, without community health centers, without vocational education. I could go on and on. It would truly be a greatly diminished America, a less secure America, a less just America. And without the great companionship of Lady Bird Johnson, it would be a less beautiful America.

I know the Johnson family is here today, including Linda Bird, Lucy Baines, and their families, and many close friends and colleagues of President Johnson and members of his administration. I thank them for keeping the LBJ legacy alive and not letting it become invisible.

Before I close, let me quote from a small part of a speech that was given by Joseph Califano just this Monday at a luncheon here in Washington commemorating the legacy of Lyndon Johnson. Obviously we all remember Joe Califano being Lyndon Johnson's Secretary of Health, Education, and Welfare. Listen to what he said:

> Of even greater danger to our Nation, by making the presidency of Lyndon Johnson invisible, we lose key lessons for our democracy—courage counts and government can work—and it can work to the benefit of the least among us in ways that enhance the well-being of all of us.

I can think of no sentence that sums up the legacy of Lyndon Baines Johnson better than that.

Mr. President, I ask unanimous consent to have the full speech of Joseph Califano printed in the RECORD immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HARKIN. Mr. President, as every truly great leader in our Nation's history, Lyndon Johnson brought us a giant step closer to achieving our highest ideals. He fought passionately for social and economic justice for all Americans. He fought to put the American dream within reach of every citizen. That is the legacy we salute today. That is truly the success—and not the ''failure''—of the Great Society.

Mr. President, I yield the floor.

EXHIBIT 1

SEEING IS BELIEVING:

THE ENDURING LEGACY OF LYNDON JOHNSON

(Keynote Address by Joseph A. Califano, Jr., May 19, 2008)

For many in this room, Lyndon Johnson's Centennial is a time for personal memories. We remember how LBJ drove himself—and many of us—to use every second of his presidency. We remember his five a.m. wake-up calls asking about a front page story in the New York Times—the edition that had not yet been delivered to our home; his insatiable appetite for a program to cure every ill he saw; his insistence that every call from a member of Congress be returned on the day it was received—even if it meant running the member down in a barroom, bathroom or bedroom; his insistence that hearings begin one day after we sent a bill to Congress; his pressure to get more seniors enrolled in Medicare, more blacks registered to vote, more schools desegregated, more kids signed up for Head Start, more Mexican-Americans taking college scholarships or loans; more billboards torn down faster—for the country, and for Lady Bird.

And we remember his signature admonition: ''Do it now. Not next week. Not tomorrow. Not later today. Now.''

We who served him saw that Lyndon Johnson could be brave and brutal, compassionate and cruel, incredibly intelligent and infuriatingly stubborn. We came to know his shrewd and uncanny instinct for the jugular of both allies and adversaries. We learned he could be altruistic and petty, caring and crude, generous and petulant, bluntly honest and calculatingly devious—all within the same few minutes. We saw his determination to succeed run over or around whoever or whatever got in his way.

As allies and enemies alike slumped in exhaustion, we saw how LBJ's relentless zeal produced second, third and fourth bursts of energy—to mount a massive social revolution that gave new hope to the disadvantaged. As he did so, he often created a record that Machiavelli might not only recognize, but also envy. To him, the enormous popularity of his unprecedented landslide victory, and every event during his presidency—triumphant or tragic—were opportunities to give the most vulnerable among us a fair shot of the nation's abundant blessings.

We saw these things. But somehow the world beyond—and even the people of his own party—seem not to see.

Throughout this year, and last week in endorsing Barack Obama, John Edwards made reducing poverty a centerpiece of his presidential campaign. Yet he never mentioned Lyndon Johnson, the first—and only—President ever to declare war on poverty and sharply reduce it.

A few weeks ago in his eloquent victory speech in Raleigh, North Carolina, Barack Obama followed a familiar pattern of omission. In recounting the achievements of previous Democratic presidents, he mentioned the pantheon of FDR, Harry Truman, JFK—but not LBJ. Not Lyndon Johnson—not the man who would be proudest of Barack Obama's candidacy and what it says about America, the president uniquely responsible for the laws that gave this man (and millions of others) the opportunity to develop and display his talents and gave this nation the opportunity to benefit from them.

Earlier in the campaign, when Hillary Clinton publicly noted that ''it took a President'' to translate Martin Luther King's moral protests into public laws, she broke the taboo and mentioned President Johnson. The New York Times promptly rebuked her in an editorial for daring to speak that name—and instantly things went back to normal: Lyndon Johnson was put back in his place as the invisible President of the twentieth century.

The reason, of course, goes back to Vietnam. The tragedy of Vietnam has created a dark cloud obscuring the full picture of Lyndon Johnson's presidency.

Without downplaying in any way the tragedy of the Vietnam war, I am convinced that to make Lyndon Johnson the invisible President—particularly for Democrats to indulge such amnesia as politically correct—is unfair not so much to him, but to our nation and its future.

Why? Because if we make Lyndon Johnson's whole presidency invisible—if we are unable or unwilling to speak his name—we become less able to talk about the lasting achievements of this nation's progressive tradition—a tradition that spans both parties over the last century. If we are unable or unwilling to see this President, we break the chain of history and deny our people an understanding of the remarkable resilience of

progressive tradition from Theodore Roosevelt, through Woodrow Wilson. Franklin Roosevelt's New Deal, Harry Truman's Fair Deal and John Kennedy's New Frontier, to Lyndon Johnson's Great Society.

Of even greater danger to our nation, by making the presidency of Lyndon Johnson invisible, we lose key lessons for our democracy: courage counts and government can work—and it can work to the benefit of the least among us in ways that enhance the well-being of all of us. Think about this: Americans under 40 have seen in Washington only governments that were anti-government, corrupt, mired in scandal, inept, gridlocked, driven by polls, favored the rich and powerful, or tied in knots by Lilliputian lobbyists and partisan bickering.

Talk to many Americans today about Washington and they're likely to say: it doesn't work; it doesn't care; it doesn't understand my problems; the special interests control it. Tell an American that Washington can work, it can help them, and they react like doubting Thomas: I won't believe it till I see it.

That's the political reality of our skeptical times: seeing is believing.

So as we begin our observance of this centennial in this critical political year, here is the question: Do we want to rekindle support for progressive ideas, for a modem progressive movement? If so, if we hope to restore belief in a government that serves and lifts up the many as well as the few, if we want to make government work again, then we must see our history more clearly and tell it more completely. We must see the full vision and achievement of Lyndon Johnson's presidency, the domestic revolution that he not only conceived, but carried out. Failure to do so not only distorts our past, it short changes our future. For there is a connection between seeing and believing—and also between seeing and achieving.

We live in an era of political microachievement. In recent years, it is considered an accomplishment when a President persuades Congress to pass one bill, or a few, over an entire administration: one welfare reform; one No Child Left Behind. Partisan attacks and political ambition choke our airways, not reports of legislation passed or problems solved.

What a contrast. In those tumultuous Great Society years, the President submitted, and Congress enacted, more than one hundred major proposals in each of the 89th and 90th Congresses. In those years of do-it-now optimism, presidential speeches were about distributing prosperity more fairly, reshaping the balance between the consumer and big business, rebuilding entire cities, eliminating poverty, hunger and discrimination in our nation. And when the speeches ended, action followed, problems were tackled, ameliorated and solved. This nation did reduce poverty. We did broaden opportunity for college and jobs. We did outlaw segregation and discrimination in housing. We did guarantee the right to vote to all. We did improve health and prosperity for older Americans. We did put the environment on the national agenda.

When Lyndon Johnson took office, only eight percent of Americans held college degrees; by the end of 2006, twenty-eight percent had completed college. His Higher Education legislation with its scholarships, grants and work-study programs opened college to any American with the necessary brains and ambition, however empty the family purse. Since 1965 the federal government has provided more than 360 billion dollars to provide 166 million grants, loans and work study awards to college students. Today six out of ten college students receive federal financial aid under Great Society programs and their progeny.

Below the college level, LBJ passed the Elementary and Secondary Education Act, for the first time committing the federal government to help local schools. By last year, that program had infused 552 billion dollars into elementary and high schools. He anticipated the needs of Hispanics and other immigrants with bilingual education, which today serves four million children in some 40 languages. His special education law has helped millions of children with learning disabilities.

Then there is Head Start, To date, more than 24 million pre-schoolers have been through Head Start programs in nearly every city and county in the nation. Head Start today serves one million children a year.

If LBJ had not established the federal government's responsibility to finance this educational surge, would we have the trained human resources today to function in a fiercely competitive global economy? Would we have developed the technology that leads the world's computing and communications revolution?

Seeing is believing.

In 1964, most elderly Americans had no health insurance. Few retirement plans provided any such coverage. The poor had little access to medical treatment until they were in critical condition, Only wealthier Americans could get the finest care, and then only by traveling to a few big cities like Boston or New York.

Consider the changes Johnson wrought. Since 1965, some 112 million Americans have been covered by Medicare; in 2006, 43 million were enrolled. In 1967, Medicaid served 10 million poor citizens; in 2006, it served 63 million people. The program is widely regarded as the key factor in reducing infant mortality by seventy-five percent—from 26 deaths for each 1,000 live births when Johnson took office to less than seven per 1,000 live births in 2004.

The Heart, Cancer and Stroke legislation has provided funds to create centers of medical excellence in just about every major city—from Seattle to Houston, Miami to Cleveland, Atlanta to Minneapolis. To staff these centers, the Health Professions Educational Assistance Act provided resources to double the number of doctors graduating from medical schools and increase the pool of specialists, researchers, nurses and paramedics.

Without these programs and Great Society investments in the National Institutes of Health, would our nation be the world's leader in medical research? In pharmaceutical invention? In creation of surgical procedures and medical machinery to diagnose our diseases, breathe for us, clean our blood, transplant our organs, scan our brains? In the discovery of ingenious prosthetic devices that enable so many of our severely wounded soldiers to function independently?

Seeing is believing.

Closely related to LBJ's Great Society health programs were his initiatives to reduce malnutrition and hunger. Today, the Food Stamp program helps feed some 27 million men, women and children in 12 million households. The School Breakfast program has served more than 30 billion breakfasts to needy children.

Seeing is believing.

It is not too much to say that Lyndon Johnson's programs created a stunning recasting of America's demographic profile. When President Johnson took office, life expectancy was 66.6 years for men and 73.1 years for women. Forty years later, by 2004, life expectancy had stretched to 75 years for men and 80 years for women. The jump was most dramatic among poor citizens—suggesting that better nutrition and access to health care have played an even larger role than medical advances.

For almost half a century, the nation's immigration laws established restrictive and discriminatory quotas that favored blond and blue-eyed Western Europeans. With the Immigration Reform Act of 1965, LBJ scrapped that quota system and put substance behind the Statue of Liberty's welcoming words, ''Give me your tired your poor, your huddled masses yearning to breathe free.'' This Great Society legislation refreshed our nation with the revitalizing energies of immigrants from southern and Eastern Europe, south of the border, Asia and Africa, converting America into the most multi-cultural nation in the history of the world and uniquely positioning our population for the Twenty-First century world of new economic powers. In the year before Immigration reform was passed, only 2,600 immigrants were admitted from Africa, less than 25,000 from Asia and 105,000 from Central and South America. With the lifting of the quotas, in 2006, 110,000 immigrants were admitted from Africa, more than 400,000 from Asia and 525,000 from Central and South America. I can't see LBJ eating at an Ethiopian or Sushi restaurant, but I can see him tapping into the intellectual acumen, diversity and energy of this new wave of immigrants.

Seeing is believing.

Lyndon Johnson put civil rights and social justice squarely before the nation as a moral issue. Recalling his year as a teacher of poor Mexican children in Cotulla, Texas, he once told Congress, ''It never even occurred to me in my fondest dreams that I might have the chance to help the sons and daughters of those students and to help people like them all over this country. But now I do have that chance—and I'll let you in on a secret—I mean to use it.''

And use it he did. He used it to make Washington confront the needs of the nation as no president before or since has. With the 1964 Civil Rights Act Johnson tore down, all at once, the ''Whites only'' signs and social system that featured segregated hotels, restaurants, movie theaters, toilets and water fountains, and rampant job discrimination.

The following year he proposed the Voting Rights Act. When it passed in the summer of 1965, Martin Luther King told Johnson, ''You have created a second emancipation.'' The President replied, ''The real hero is the American Negro.''

How I wish that Lyndon Johnson were alive today to see what his laws have wrought—especially the Voting Rights Act that he considered the most precious gem among the Great Society jewels.

In 1964 there were 79 black elected officials in the South and 300 in the entire nation. By 2001 (the latest information available) there were some 10,000 elected black officials across the nation, more than 6,000 of them in the South. In 1965 there were five black members of the House; today there are 42 and the black member of the Senate is headed for the Democratic presidential nomination.

Seeing is believing.

But LBJ knew that laws were not enough. Thus was born the concept of affirmative action. Johnson's conviction that it is essential as a matter of social justice to provide the tutoring, the extra help, even the preference if necessary, to those who had suffered generations of discrimination in order to give them a fair chance to share in the American dream.

LBJ set the pace personally. He appointed the first black Supreme Court Justice (Thurgood Marshall), the first black cabinet officer (Robert Weaver) and the first black member of the Federal Reserve Board (Andrew Britmmer). He knew that if executives

and institutions across the private sector saw qualified blacks succeeding in positions of high responsibility, barriers across America would fall—because for them, he knew, seeing was believing.

Less known, and largely ignored, was Johnson's similar campaign to place women in top government positions. The tapes reveal him hectoring cabinet officers to place women in top jobs. He created what one feminist researcher called in her book, Women, Work and National Policy, ''An affirmative action reporting system for women, surely the first of its kind . . . in the White House. . . .'' LBJ proposed and signed legislation to provide, for the first time, equal opportunity in promotions for women in the Armed Forces. Signing the bill in 1967, Johnson noted, ''The bill does not create any female generals or female admirals—but it does make that possible. There is no reason why we should not someday have a female chief of staff or even a female Commander in Chief.''

LBJ had his heart in his War on Poverty. Though he found the opposition too strong to pass an income maintenance law, he took advantage of the biggest ATM around: Social Security. He proposed, and Congress enacted, whopping increases in the minimum benefit. That change alone lifted 2.5 million Americans 65 and over above the poverty line. Today, Social Security keeps some thirteen million senior citizens above the poverty line. Many scholars look at Social Security and that increase. Medicare and the coverage of nursing home care under Medicaid (which funds care for more than 64 percent of nursing home residents) as the most significant social programs of the Twentieth Century.

Seeing is believing.

Johnson's relationship with his pet project—the Office of Economic Opportunity—was that of a proud father often irritated by an obstreperous child- For years conservatives have ranted about the OEO programs. Yet Johnson's War on Poverty was founded on the most conservative principle: put the power in the local community, not in Washington; give people at the grassroots the ability to walk off the public dole.

Today, as we celebrate LBJ's 100th anniversary some forty years after he left office, eleven of the twelve programs that OEO launched are alive, well and funded at an annual rate exceeding eleven billion dollars. Head Stan, Job Corps, Community Health Centers, Foster Grandparents. Upward Bound (now part of the Trio Program in the Department of Education), Green Thumb (now Senior Community Service Employment), Indian Opportunities (now in the Labor Department), and Migrant Opportunities (now Seasonal Worker Training and Migrant Education) are all helping people stand on their own two feet.

Community Action (now the Community Service Block Grant program), VISTA Volunteers and Legal Services are putting power in the hands of individuals—down at the grassroots. The grassroots that these programs fertilize just don't produce the manicured laws that conservatives prefer. Of all the Great Society programs started in the Office of Economic Opportunity, only the Neighborhood Youth Corps has been abandoned—in 1974, after enrolling more than 5 million individuals.

Ronald Reagan quipped that Lyndon Johnson declared war on poverty and poverty won. He was wrong. When LBJ took office, 22.2 percent of Americans were living in poverty. When he left five years later, only 13 percent were living below the poverty line—the greatest one-time reduction in poverty in our nation's history.

Seeing is believing.

Since Lyndon Johnson left the White House, no president has been able to effect any significant reductions in poverty. In 2006 the poverty level stood at 12.3 percent. Hillary Clinton in her presidential campaign has promised to create a cabinet level poverty czar in her administration. In the administration of Lyndon Baines Johnson, the President was the poverty czar.

Theodore Roosevelt launched the modern environmental movement by setting aside public lands and national parks and giving voice to conservation leaders like Gifford Pinchot. If Teddy Roosevelt launched the movement, Lyndon Johnson drove it forward more than any later President—and in the process, in 1965, he introduced an entirely new concept of conservation:

''We must not only protect the countryside and save it from destruction;'' he said, ''we must restore what has been destroyed and salvage the beauty and charm of our cities. Our conservation must be not just the classic conservation of protection and development, but a creative conservation of restoration and innovation.''

That new environmental commandment spelled out the first inconvenient truth: that those who reap the rewards of modem technology must also pay the price of their industrial pollution. It inspired a legion of Great Society laws: the Clean Air, Water Quality and Clean Water Restoration Acts and Amendments, the 1965 Solid Waste Disposal Act, the 1965 Motor Vehicle Air Pollution Control Act, the 1968 Aircraft Noise Abatement Act. It also provided the rationale for later laws creating the Environmental Protection Agency and the Superfund.

Johnson created 35 National Parks, 32 within easy driving distance of large cities. The 1968 Wild and Scenic Rivers Act today protects 165 river segments in 38 states and Puerto Rico. The 1968 National Trail System Act has established more than 1,000 recreation, scenic and historic trails covering close to 55,000 miles. No wonder National Geographic calls Lyndon Johnson ''our greatest conservation president.''

Seeing is believing.

These were major areas of concentration for Lyndon Johnson's Great Society, but there were many others. Indeed, looking back, the sweep of this President's achievements is breathtaking.

Those of us who worked with Lyndon Johnson would hardly consider him a patron of the arts. I can't even remember him sitting through more than ten or fifteen minutes of a movie in the White House theatre, much less listening to an operatic aria or classical symphony.

Yet the historian Irving Bernstein. in his book on The Presidency of Lyndon Johnson, titles a chapter. ''Lyndon Johnson, Patron of the Arts.'' Think about it. What would cultural life in America be like without the Kennedy Center for the Performing Arts, where each year two million visitors view performances that millions more watch on television, or without the Hirshhorn Museum and Sculpture Garden that attracts 750,000 visitors annually? Both are Great Society initiatives.

The National Endowments for the Arts and Humanities are fulfilling a dream Johnson expressed when he asked Congress to establish them and, for the first time, to provide federal financial support for the Arts to increase ''the access of our people to the works of our artists, and [recognize] the arts as part of the pursuit of American greatness.''

LBJ used to say that he wanted fine theater and music available throughout the nation and not just on Broadway and at the Metropolitan Opera in New York. In awarding more than 130,000 grants totaling more than four billion dollars since 1965, the Endowment for the Arts has spawned art councils in all 50 states and more than 1,400 professional theater companies, 120 opera companies, 600 dance companies and 1,800 professional orchestras. Since 1965, the Endowment for the Humanities has awarded 65,000 fellowships and grants totaling more than four billion dollars.

Johnson established the Corporation for Public Broadcasting to create public television and public radio which have given the nation countless hours of fine arts, superb in-depth news coverage, and programs like ''Sesame Street'' and ''Masterpiece Theater.'' Now some say there is no need for public radio and television, with so many cable channels and radio stations. But as often as you surf with your TV remote or twist your radio dial, you are not likely to find the kind of quality broadcasting that marks the more than 350 public television and nearly 700 public radio stations that the Corporation for Public Broadcasting supports today. They, as well as the rest of the media, have been helped by the Freedom of Information Act, the Great Society's contribution to greater transparency in government.

Seeing is believing. So is listening.

For urban America, LBJ drove through Congress the Urban Mass Transit Act, which gave San Franciscans BART, Washingtonians Metro, Atlantans MARTA, and cities across America thousands of buses and modernized transit systems. His 1968 Housing Act, creation of Ginnie Mae, privatization of Fannie Mae and establishment of the Department of Housing and Urban Development have helped some 75 million families gain access to affordable housing.

In the progressive tradition in which Theodore Roosevelt and Franklin Roosevelt confronted huge financial and corporate enterprises, Johnson faced a nationalization of commercial power that had the potential to disadvantage the individual American consumer. Super-corporations were shoving aside the corner grocer, local banker, independent drug store and family farmer. Automobiles were complex and dangerous, manufactured by giant corporations with deep pockets to protect themselves. Banks had the most sophisticated accountants and lawyers to draft their loan agreements. Sellers of everyday products—soaps, produce, meats, appliances, clothing, cereal and canned and frozen foods—packaged their products with the help of the shrewdest marketers and designers. The individual was outflanked at every position.

Seeing that mismatch, Johnson pushed through Congress a bevy of laws to level the playing filed for consumers: Auto and highway safety for the motorist a Department of Transportation and National Transportation Safety Board; truth in packaging for the housewife; truth in lending for the homebuyer, small businessman and individual borrower; wholesome meat and wholesome poultry laws to enhance food safety; the Flammable Fabrics Act to reduce the incendiary characteristics of clothing and blankets. He created the Product Safety Commission to assure that toys and other products would be safe for users. When he got over his annoyance that it took him five minutes to find me in the emergency room of George Washington University Hospital, with my three year old son Joe who had swallowed a bottle of aspirin, he proposed the Child Safety Act which is why we all have such difficulty opening up medicine bottles.

Seeing is believing.

By the numbers the legacy of Lyndon Johnson is monumental. It exceeds in domestic impact even the New Deal of his idol Franklin Roosevelt. It sets him at the cutting edge of the nation's progressive tradition. But there is also an important story behind these programs that speaks to the future—that offers the lessons of what it takes

to be an effective President. What lessons does this President have for our nation and his successors, especially those who value the progressive tradition?

First, Lyndon Johnson was a genuine, true believing revolutionary.

His Texas constituency and the tactical constraints of his earlier offices reined him in before he became President. But his experiences—teaching poor Mexican American children in Corolla, Texas, working as Texas director of Roosevelt's National Youth Administration, witnessing the indignities that his black cook, Zephyr Wright, and her husband Gene Williams, suffered during his senate years when they drove from Washington to Texas through the segregated south—fueled his revolutionary spirit.

He saw racial justice as a moral issue. He refused to accept pockets of poverty in the richest nation in history. He saw a nation so hell bent on industrial growth and amassing wealth that greed threatened to destroy its natural resources. He saw cities deteriorating and municipal political machines unresponsive to the early migration of Hispanics and the masses of blacks moving north. To him government was neither a bad man to be tarred and feathered nor a bag man to collect campaign contributions. To him government was not a bystander, hoping wealth and opportunity might trickle down to the least among us. To LBJ, government was a mighty wrench to open the fountain of opportunity so that everyone could bathe in the shower of our nation's blessings. He wanted his government to provide the poor with the kind of education, health and social support that most of us get from our parents.

Second, Lyndon Johnson was perpetually impatient, relentlessly restless, always in a hurry.

Andrew Marvell's words could have been written for him: ''But at my back I always hear/Time's winged chariot, hurrying near.'' Lyndon Johnson saw himself in a desperate race against time as he fought to remedy the damage slavery and generations of prejudice had inflicted on black Americans. Why? Because he feared that, once black Americans sensed the prospect of a better life, the discrimination they had once accepted as inevitable would become intolerable; they would erupt—and, subvert their own cause. ''Hell,'' he said to me during some of those eruptions, ''Sometimes when I think of what they've been through, I don't blame them.''

He saw himself in a race against time as he sized up Congress, political reality and attitudes of affluent Americans. LBJ knew that he must use—now!—the sympathy generated by John Kennedy's assassination and the huge margin of his own election victory in 1964. He knew that his political capital—no matter how gigantic in the early days of his presidency—was a dwindling asset.

Third, Lyndon Johnson was a man of extraordinary courage.

For me the greatest price our nation pays for our collective blindness is this: By rendering LBJ invisible we lose sight, for the future, of how much a truly courageous political leader can accomplish.

Sure, LBJ had the politician's hunger to be loved. But, more than that, he had the courage to fall on his sword if that's what it took to move the nation forward. He did just that when, in an extraordinary act of abnegation, he withdrew from the political arena to calm the roiling seas of strife and end the war in Vietnam.

To me no greater example of Presidential political courage exists than Lyndon Johnson's commitment in the area of civil rights. He fought for racial equality even when it hurt him and clobbered his party in the South.

After signing the Civil Rights Act in 1964, Johnson was defeated in five southern states, four of them states that Democrats had not lost for 80 years.

Still he kept on. In 1965 he drove the Voting Rights Act through Congress. In 1966, he proposed the Fair Housing Act to end discrimination in housing. His proposal prompted the most vitriolic mail we received at the White House, and Congress refused to act on the bill that year.

In the November 1966 mid-term elections, the Democrats lost a whopping forty-seven seats in the House and three in the Senate. Border and southern state governors met with the President at his ranch in December. In a nasty assault on his civil rights policies, they demanded that he withdraw his fair housing proposal and curb his efforts to desegregate schools.

Undeterred, in 1968, he drove the Fair Housing Act through the senate—tragically it took Dr. King's assassination to give Johnson the leverage he needed to convince the House to pass it.

You have to see political courage like that to believe it. I was fortunate to see it close up. I want our people and future leaders to be able to see it.

Fourth, Lyndon Johnson knew how to use power.

Johnson married his revolutionary zeal, impatience and courage to a phenomenal sense of how to use power skillfully—to exploit a mandate, to corral votes, to reach across the aisle in order to move this nation, its people and the Congress forward.

Lyndon Johnson felt entitled to every lever, to help from every person, every branch of government, every business, labor and religious leader. After all. as he often reminded us, he was the only President we had. He had no inhibitions in reaching out for advice, ideas, talent, power, support. He often saw traditions of separation of powers. or an independent press, or a profit-minded corporate executive, as obstacles, to be put aside in deference to the greater national interest as he defined it. He was brilliantly opportunistic, calling upon the nation and the Congress in the wake of even the most horrific tragedies—the assassinations of John Kennedy and Martin Luther King—to bring a new measure of social justice to all Americans.

He knew how to harness the power of the protestors and the media to tap into the inherent fairness of the American people. He asked Martin Luther King in January 1965 to help with the Voting Rights Act by ''getting your leaders and you yourself . . . . to find the worst condition [of voting discrimination] that you run into in Alabama . . . . and get it on radio, get it on television, get it on—in the pulpits, get it in the meetings, get it every place you can . . . . and then that will help us on what we are going to shove through in the end.'' He loved King's choice of Selma, Alabama. He knew, as he told Dr. King, that when the American people saw the unfairness of the voting practices there, they would come around to supporting his bill. And they did.

He offers a defining lesson in the importance of mustering bipartisan support. These Great Society proposals were cutting edge, controversial initiatives and LBJ assiduously courted Republican members of congress to support them. His instructions to us on the White House staff were to accord Senate Republican minority leader Everett Dirksen and House minority leader Gerald Ford the same courtesies we extended to Senate Majority leader Mike Mansfield and House Speaker John McCormack. It was not only that he needed Republican votes to pass bills like the civil rights, health, education and consumer laws: he saw bipartisan support as an essential foundation on which to build lasting commitment among the American people. He knew that the endurance of his legislative achievements, and their enthusiastic acceptance by state and local governments, powerful private interests and individual citizens across the nation, required such bipartisan support.

He didn't accomplish all he wanted. He called ''the welfare system in America outmoded and in need of major change'' and pressed Congress to create ''a work incentive program, incentives for earning, day care for children, child and maternal health and family planning services.''

He saw the threat posed by the spread of guns and proposed national registration of all gulls and national licensing of all gun owners. Congress rejected his proposals. But he did convince Capitol Hill to close the loophole of mail order guns, prohibit sales to minors, and end the import of Saturday night specials.

He tried, unsuccessfully, to get expand Medicare to cover pre-natal care and children through age six, and used to say, ''If we can get that, future presidents and Congresses can close the gap between six and sixty-five.''

He spotted the ''for sale'' signs of political corruption going up in the nation's capital and called for public financing of campaigns.

Our nation and its leaders pay a heavy price when such a towering figure—among the most towering political figures of American history—becomes at the same time America's invisible president. In this year, when for the first time in our history a black American is a leading candidate for the Presidency, when so many domestic issues dominating the campaign—access to health care, persistent poverty amidst such plenty, affordable higher education, effective public schools, environmental protection—are issues LBJ put on the national government's agenda, it is time to see the full measure of this President. Too many lessons of his presidency have been ignored because the Democratic party, the academic elite, political analysts and the mainstream media have made him the invisible president.

In this troubled time, when political pollsters and consultants parse the positions of candidates for public office, Johnson's exceptional courage on civil rights should be a shining example for a new generation of political leaders. His recognition of the significance of bipartisan support for controversial—but needed—domestic initiatives, and his ability to muster such support, should be studied by politicians and citizens who seek to change the world. His unique ability to make Washington work. to nourish and maintain partnerships between the Executive and the Congress, the public and private sectors, and to focus the people on critical needs like racial justice and eliminating poverty demonstrate ''Yes, we can!'' to skeptical citizens who have never seen Washington get it done.

It's time to take off the Vietnam blinders and let our eyes look at and learn from the domestic dimension of this presidency. Let everyone think what they will about Vietnam. But let us—especially Democrats—also recognize the reality of this revolutionary's remarkable achievements.

It is encouraging to me that some of Johnson's severest anti-war critics have begun the call for recognition of the greatness of his presidency.

Listen to the words of George McGovern who ran for president in 1972 on an anti-war platform and maintains that ''The Kennedy, Johnson and Nixon administrations were all wrong on Vietnam:''

''It would be a historic tragedy if [LBJ's] outstanding domestic record remained forever obscured by his involvement in a war he did not begin and did not know how to

stop.. . . . Johnson did more than any other president to advance civil rights, education and housing, to name just three of his concerns. . . . ''

'' The late John Kenneth Galbraith, another leading critic of the Vietnam War, has called for ''historical reconsideration'' of the Johnson presidency:

''In the New Deal ethnic equality was only on the public conscience; in the Kennedy presidency it was strongly urged by Martin Luther King and many others. . . . It was with Lyndon Johnson, however, that citizenship for all Americans in all its aspects became a reality. . . . On civil rights and on poverty, the two truly urgent issues of the time, we had with Johnson the greatest changes of our time. . . . The initiatives of Lyndon Johnson on civil rights, voting rights and on economic and social deprivation. . . . must no longer be enshrouded by that [Vietnam] war.''

And listen to Robert Caro, LBJ's most meticulous and demanding biographer:

''In the twentieth century, with its eighteen American presidents, Lyndon Johnson was the greatest champion that black Americans and Mexican Americans, and indeed all Americans of color, had in the White House, the greatest champion they had in all the halls of government. With the single exception of Lincoln, he was the greatest champion with a white skin that they had in the history of the Republic. He was . . . the lawmaker for the poor and the downtrodden and the oppressed . . . . the President who wrote mercy and justice into the statute books by which America was governed.''

Historian David McCullough has said that the threshold test of greatness in a president is whether he is willing to risk his presidency for what he believes. LBJ passes that test with flying colors. It's time for all of us to give his presidency the high marks it deserves.

Lyndon Johnson died 36 years ago in 1972. But his legacy endures. It endures in the children in Head Start programs in hamlets across our nation, in the expanded opportunities for millions of blacks, Hispanics and other minorities. It endures in the scholarships and loans that enable the poorest students to attend the finest universities. His legacy endures in the health care for the poor and the elderly that are woven into the fabric of American life. It endures in the public radio stations millions of drivers listen to as they drive to and from work. It endures in the cleaner air we breathe, in the local theatres and symphonies supported by the National Endowments, in the safer cars we drive and safer toys our children play with.

Seeing is believing.

That legacy also endures—let us remember—in the unfinished business of our nation's long progressive movement that he pressed so impatiently for us to finish. LBJ knew that movement could be stalled, but he knew that it must never be stopped.

So, over these few days, as we look back and celebrate this centennial, let us also look forward and let us inspire others to see clearly and fully.

Because seeing is not only believing; seeing has everything to do with achieving.

SEEING IS BELIEVING: THE ENDURING LEGACY OF LBJ

WITH THESE ACTS PRESIDENT JOHNSON AND CONGRESS WROTE A RECORD OF HOPE AND OPPORTUNITY FOR AMERICA

1963

College Facilities, Clean Air, Vocational Education, Indian Vocational Training, Manpower Training.

1964

Inter-American Development Bank, Kennedy Cultural Center, Tax Reduction, Farm Program, Pesticide Controls, International Development Association, Civil Rights Act of 1964, Water Resources Research.

War on Poverty, Criminal Justice, Truth-in-Securities, Food Stamps, Housing Act, Wilderness Areas, Nurse Training, Library Services.

1965

Medicare, Medicaid, Elementary and Secondary Education, Higher Education, Bilingual Education, Departent of Housing and Urban Development, Housing Act, Voting Rights.

Immigration Reform Law, Older Americans, Heart, Cancer, Stroke Program, Law Enforcement Assistance, Drug Controls, Mental Health Facilities, Health Professions, Medical Libraries.

Vocational Rehabilitation, Anti-Poverty Program, Arts and Humanities Foundation, Aid to Appalachia, Highway Beauty, Clean Air, Water Pollution Control, High Speed Transit.

Manpower Training, Child Health, Community Health Services, Water Resources Council, Water Desalting, Juvenile Delinquency Control, Arms Control, Affirmative Action.

1966

Child Nutrition, Department of Transportaton, Truth in Packaging, Model Cities, Rent Supplements, Teahers Corp, Asian Development Bank, Clean Rivers.

Food for Freedom, Child Safety, Narcotics Rehabilitation, Traffic Safety, Highway Safety, Mine Safety, International Education, Bail Reform.

Auto Safety, Tire Safety, New GI Bill, Minimum Wage Increase, Urban Mass Transit, Civil Procedure Reform, Fish-Wildlife Preservation, Water for Peace.

Anti-Inflation Program, Scientific Knowledge Exchange, Protection for Savings, Freedom of Information, Hirshhorn Museum.

1967

Education Professions, Education Act, Air Pollution Control, Partnership for Health, Social Security Increases, Age Discrimination, Wholesome Meat, Flammable Fabrics.

Urban Reserch, Public Broadcasting, Outer Space Treaty, Modern D.C. Government, Federal Judicial Center, Deaf-Blind Center, College Work Study, Summer Youth Programs.

Food Stamps, Urban Fellowships, Safety at Sea Treaty, Narcotics Treaty, Anti-Racketeering, Product Safety Commission, Inter-American Bank.

1968

Fair Housing, Indian Bill of Rights, Safe Streets, Wholesome Poultry, Community Exchange Rules, School Breakfasts, Truth-in-Lending, Aircraft Noise Abatement.

New Narcotics Bureau, Gas Pipeline Safety, Fire Safety, Sea Grant Colleges, Tax Surcharge, Housing Act, International Monetary Reform, Fair Federal Juries.

Juvenile Delinquency Prevention, Guaranteed Student Loans, Health Manpower, Gun Controls, Aid-to-Handicapped Children, Heart, Cancer and Stroke Programs, Hazardous Radiation Protection, Scenic Rivers.

Scenic Trails, National Water Commission, Vocational Education, Dangerous Drug Control, Military Justics Code, Tax Surcharge.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I see the arrival of my seatmate, a great friend, ROBERT C. BYRD, and with permission, I would like to speak for about 2 minutes, if that is all right. I know he has some important words.

Before he leaves the floor, I wish to commend my colleague from Iowa, TOM HARKIN. Tom and I arrived in the Congress together 34 years ago in January of 1973. I have listened to him give eloquent speeches but none better than the one he just gave regarding Lyndon Johnson—not only the importance of the man but the importance of his work and what a better country we are today. We are not that more perfect union yet, but we are getting there. One major step in that direction was created by Lyndon Johnson and a guy by the name of TOM HARKIN who has carried on that tradition as well. So he would be very proud of you. I thank the Senator from Iowa for his remarks this morning.

I have some brief thoughts before deferring to my seatmate and dear friend, ROBERT C. BYRD of West Virginia.

Let me just say to all, we often reflect on the impact this institution has had on the United States, on our beloved country. But on this day, I think we cannot help but consider the impact certain Americans have had on this institution and on our great Republic. At this moment, we reflect not on legislative accomplishments, which are Herculean, as Senator HARKIN has identified—appropriately so, and with great eloquence—or even how that might have changed the fabric of our country—it certainly did—but, rather, on the strength of character required by those who made such achievements possible.

I wish to join my colleagues and others here today reflecting upon and paying tribute to one of this great institution's most revered figures on this centennial anniversary of his birth: the former Senate majority leader, the 35th President of this body and the 36th President of the United States, Lyndon Baines Johnson.

Emerson wrote that:

None of us will ever accomplish anything excellent or commanding except when he listens to this whisper, which is heard by him alone.

If that is true, then when the whisper traveled through the winds sweeping across the Pedernales River in the plains of central Texas, Lyndon Johnson must have been listening carefully, indeed.

I think we all believe that a society such as ours should aspire to greatness, aspire to that more perfect union our forefathers envisioned. But Lyndon Johnson understood something else of what was required of leaders to get us there: the importance of building alliances, however unorthodox; the ability to find agreement, even with those whom we most disagree with; and perhaps most importantly, Lyndon Baines Johnson recognized that this institution could achieve the most remarkable of things if its Members were willing to do the kind of work that more often than not was decidedly unremarkable.

It was his Herculean skills in the legislative arena, of course, honed on this very floor and in these Halls, that proved such a complement to the wonderful rhetorical flourishes of those

who identified the great goals we must achieve. But armed with his skills—his maneuvering, his understanding of his fellow Members, of what they could tolerate, what they could agree with, how far they could move—Lyndon Johnson was able, in his very hands, to mold the successful results of which TOM HARKIN spoke so eloquently. In the absence of that ability, a lot of these achievements would have been nothing more than rhetorical flourishes. It took the brilliance of a legislator—not unlike the skills of the gentleman who sits next to me here this morning, ROBERT C. BYRD—to be able to fashion and create the very legislative achievements we talk about. Indeed, it is often said that it took the hardscrabble southerner from Texas to broker a Civil Rights Act. I don't know of anyone who would disagree with that or with the long litany of legislative achievements TOM HARKIN has identified. But I think it does in a sense a disservice to just identify what was perhaps Lyndon Johnson's greatest skill, and that was moving a political body reluctant to change, as most political bodies are.

To be sure, I would be remiss if I were not to mention my father's relationship with Lyndon Johnson as well. I sit at the desk my father occupied in this body for the more than 10 years he served here. But that relationship went back a lot longer than their years here. My father, as a young law school graduate at the outset of the New Deal, became the first State Director of the National Youth Administration in 1933, and Lyndon Johnson was a young man beginning his career in Texas politics and was running a similar program in that State.

Their relationship started in the 1930s and blossomed during their years in public service in this very institution. I am sort of a creature of this place, in many ways, having grown up here. I was a mere child of 8 when my father came to Congress in 1952, and then to the Senate in 1959, with my seat-mate, Senator BYRD. I sat in the family gallery in 1959 and watched him take the oath of office. Three years later, I sat on the floor, dressed like these young men and women, as a Senate page and watched Lyndon Johnson maneuver through this building. In those days, there were no television cameras or microphones that can carry your voice through the halls of this room and beyond. I would watch Lyndon Johnson at this table in front of me here. Members would gather around because you could not hear everything he said—intentionally, I might add, as he was careful that not everything he said was necessarily heard by everyone about the schedule of the Senate, or he may have been talking about achievements that were made. I was here for some of the all-night sessions when the civil rights debates were going on. I developed friendships, which I still hold today, with the other young pages I worked with in those early days.

Lyndon Johnson and my father and Lady Bird and my mother had a great relationship. I have shared with Lynda, Luci, and their families that I remember vividly Mrs. Johnson being at our home. My mother and she would meet with Mercedes Douglas, Justice Douglas's wife, to practice Spanish together. They had a great relationship over the years. I remember vividly, as well, President Johnson and Lady Bird Johnson hosting a surprise wedding anniversary party for my parents at a restaurant here in Washington one evening, as they celebrated their 35th wedding anniversary. So there are family ties that run long and deep.

I remember in 1964, when Lyndon Johnson very graciously invited my father and Hubert Humphrey to come to the White House on the eve of the Vice Presidential nomination in Atlantic City. There was no doubt that Humphrey would be the choice, but it was the gracious act of a President to recognize a friendship he had with this young man from Connecticut, going back to the 1930s, that he invited him to be part of that raising the expectation that he might be chosen as a Vice Presidential running mate for Lyndon Johnson. My father seconded Johnson's nomination in 1960 when I was a page, as well, and watching history unfold.

So it is with great joy that I come to the floor this morning to celebrate a remarkable life that made a huge difference. When students ask us—as they oftentimes do—''can any one person make a difference in the life of other people?'' you need look no further than the initials LBJ. It is a story of how one individual, as TOM HARKIN said, born in the hardscrabble territory of central Texas, grew up and served in this body, managed this institution, produced the results he did, and became President of a country that allowed us to achieve the great achievements of the 1960s.

We are all beneficiaries of Lyndon Johnson's legacy. It is highly appropriate, not only today, this week, or in the year of this centennial anniversary, and with great frequency, to remind the young people sitting here today as pages that these great achievements didn't happen miraculously. They weren't given out with a gracious heart of those who fought. They were won in hard-fought battles that produced these results. Our generation, your generation, will have to fight hard, too, to make sure we are going to achieve good things and learn the lessons of Lyndon Johnson—how hard he fought to make a difference in his country and in the world in which we live.

I am honored to be joining those who today celebrate the life, celebrate an achievement our country benefited from, and as long as we survive as a republic, the legacy of Lyndon Baines Johnson. It is a great moment that we ought to remember and cherish for years and years to come.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, today the Senate marks the 100th anniversary of the birth of Lyndon Baines Johnson. The Senate has changed much, in a sense; in another sense, it has changed little since the days when Senator and Majority Leader Johnson strode through these halls and presided over this great body.

I was fortunate to serve with Majority Leader Lyndon B. Johnson. I was fortunate to serve with President Lyndon B. Johnson. And although most Americans remember Lyndon B. Johnson in his role as President of the United States, it is as majority leader and Senator that I especially recall Lyndon B. Johnson.

As I noted upon his death in 1973:

> In his heart, [he] was a man of the Senate. He had a deep and abiding faith in this body, and its place in the past and the future history of this Republic.

It is, therefore, most fitting on the centennial of Lyndon Johnson's birth that he be remembered here in this Senate that he loved.

Lyndon Baines Johnson was the majority leader when I came to the Senate in 1959, and from my first day in the Senate, and for the next 2 years, Senate Majority Leader Lyndon Johnson was a mentor and friend, as well as a leader, to me. At that time, my colleagues, the Senate had a long tradition that a newcomer to the Senate would not be assigned to the more important Senate committees. Yet—hear this, my colleagues—Majority Leader Lyndon B. Johnson placed me on the Appropriations Committee, even though there were several other more senior Members who coveted a position on that prestigious committee. The rest, as they say, is history, still in the making, because I, ROBERT C. BYRD, am still on the Appropriations Committee.

Whenever I went to Lyndon B. Johnson with problems concerning my State of West Virginia, in every instance Majority Leader Johnson was considerate and, in every instance, Majority Leader Johnson tried to be helpful to me. I acknowledged that support and leadership, not only to me but to the Senate, the Democratic Party, and to our Nation, in an address that I titled ''The Role of the Majority Leader in the Senate,'' given at the end of my first year in the Senate. I pointed out that Senator Johnson was ''the cohesive, the centrifugal force by which the majority is held together.''

When he became Vice President of the United States, I again paid tribute to my former colleague and mentor, declaring that his ''political leadership in the Senate [was] a guide and an inspiration to all of us.''

Amidst tragedy, on November 22, 1963, Lyndon Johnson became President of these United States. His administration achieved many accomplishments, especially in the areas of civil rights and social policy.

I believe, however, in the observation I made at the time of Lyndon B. Johnson's death:

> The years Lyndon Johnson spent in the Senate might well have been the happiest and the most satisfying of his life.

Lyndon B. Johnson will long be remembered here 100, even 200, years and more after his birth, for his leadership, his sagacity, his wit, for the sheer enjoyment he derived from working in the Senate, and his obvious love for this body and the great Nation it serves.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MENENDEZ). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, this is an opportunity for me to speak about the supplemental appropriations bill, but I would be remiss if I did not recognize the extraordinary life and service of President Lyndon Baines Johnson.

I can remember graphically, as a high school student at La Salle Academy in Providence, RI, going down to, at that time recently named, Kennedy Plaza in Providence to see President Johnson in a motorcade on his way to Brown University to deliver a major policy address with, at that time, the senior Senator John O. Pastore. They were both celebrating tremendous legislative accomplishments in education, health care, and civil rights, none of which would have been wrought except by the vision and work of Lyndon Johnson.

We are commemorating an extraordinary President, an extraordinary gentleman, someone truly larger than life whose contribution and whose influence is with us today. In fact, many days on this Senate floor, I think our tact is to live up to his ideals and his accomplishments and to make them fresh again in both the heart and spirit of America. I hope on our best days we do that.

SUPPLEMENTAL APPROPRIATIONS

Mr. REED. Mr. President, I wish to focus my remaining remarks on the supplemental appropriations bill which is pending before the Senate. We passed a supplemental appropriations bill out of the Appropriations Committee, which I serve on, last week. This bill contains $168.9 billion for funding operations in Iraq and Afghanistan. That is the amount the President requested. But importantly, this bill also includes significant contributions to the domestic economy of this country, to the needs here at home, not just overseas.

It includes funds for LIHEAP. At a time when oil is topping $130 a barrel, the drain on low-income Americans and seniors particularly, simply to pay heating prices, and in the Southwest and South of our country, cooling prices this summer are extraordinary. It is a burden. It is a huge burden. We have incorporated some funds for that situation.

We also have moneys for unemployment insurance, not only necessary to sustain families in a time of economic crisis but also one of the most effective stimulus devices. The money from unemployment insurance goes quickly from the recipient to the local market, to all the needs of a family struggling in this economy to get by. It is a tremendous way to stimulate our economy. So it has both individual benefits and economic benefits for the country as a whole.

I must also point out that included in these domestic provisions is extraordinary legislation by Senator WEBB, my colleague from Virginia, the enhanced GI bill of rights. Senator WEBB has done an extraordinary job, and it is not surprising. He approaches this not only as a very astute legislator but as a combat marine veteran of Vietnam. He has borne the burden of battle. He understands now, in the famous words of President Lincoln, that it is our responsibility to take care of those who have borne the burden of battle.

This responsibility is, I think, one of the most paramount we face, and his legislation goes right to the concerns of so many returning veterans: How will I get back to education? How will I fund my education? How will I be similar to my predecessors, the generation of my father—when so many had the opportunity to go to college, and then not only did they contribute to their own family's well-being, they helped build an economic powerhouse we have seen in America since World War II.

This is a program, again, which I think is extraordinarily important. I commend Senator WEBB for his vision, for his persistence, and for his passion. I hope we include it in the final version of the supplemental appropriations bill.

As I mentioned before, we are putting funds in for LIHEAP. I offered an amendment to include $1 billion. It is so necessary. In places such as California, there are 1.7 million households behind in their utility bills. That is up 100,000 from last year, and last year was a difficult year for many. There are 650,000 households in Pennsylvania that are receiving shutoff warnings, a huge number of families who are facing the end of their utility service. In a very uncertain economy, it is difficult to reestablish that relationship going forward unless we help them.

We have seen a 162-percent increase in energy costs since 2000. It is extraordinary. There is no paycheck for working Americans that has gone up 162 percent, but their energy bills have. We have seen heating oil prices in the last year increase 35 percent. So this is something that is absolutely critical, just as unemployment insurance, just as so many aspects of this legislation.

There are also included provisions not requested by the President. There is some assistance for the global food crisis and for the terrible natural disasters in Myanmar and China.

We also include, as another aspect of the legislation, something that is absolutely, I believe, critical, and that is conditions on our policy with respect to Iraq, particularly. This Congress has, over my strenuous efforts otherwise, essentially given the President a blank check. He demands money, and he has been given money but without conditions. I think it is the responsibility of this Congress to impose reasonable conditions on the funding, to not only govern our operations but also to make it clear to the Iraqi Government that they are ultimately responsible for their own safety, their own future, their own stability, the future of the Iraqi nation and the Iraqi people. It is not something we can do for them. We have rendered extraordinary assistance to them, but the task is truly theirs, and they must seize that task.

These conditions, I think, are terribly important. One would, for example, ensure the readiness of our troops, who are being stretched to the limit, ensure they are ready when they are deployed. That is something I hope no one is arguing with.

Another provision directs the Government to negotiate cost sharing for fuel and troop training with the Iraqis. The Iraqi Government has accumulated upward of $10 billion or more because of the surging oil prices. Very little, if any, of those funds is being devoted to their own people or to the joint effort we have undertaken with them to stabilize the country. It is only fair that they should begin to pay their fair share, particularly since they are sitting on a significant amount of money resulting from high energy prices. That money should be devoted to stabilizing their country and helping their people, much more so than they are doing today.

Then there is another provision which is something Senator LEVIN and I have been stressing for many months now, and that is to begin a transition of the missions our military forces and diplomatic forces are performing in Iraq, particularly our military forces, instead of an open-ended mission, and we have seen this mission from the President's standpoint change dramatically.

As you will recall, the first mission was to find and destroy the weapons of mass destruction, a very difficult mission, since there were no weapons of mass destruction. Then there was the mission of creating a democratic oasis in the Persian Gulf, a very grandiose mission, more or less, and that mission, I think, has been discounted dramatically over the last several months by the President's own rhetoric. He has talked now about simply creating a country that will sustain itself and not threaten its neighbors.

We have to focus not on these globalized missions which are more

dogmatic and ideological, but on things the military should be doing for our protection in the context of redeploying forces out of Iraq. Those missions are, in my view, force protection—we have to ensure our forces are fully protected—counterterrorism, because we cannot surrender that mission anywhere in the world; we have to be able to seek out and destroy those terrorist cells that are plotting and planning against the United States and our allies; and third is to train the Iraqi security forces because we do have to provide a force that will stay behind, a force that will help stabilize that country.

The essence of the Levin-Reed amendment has been to move from the open-ended missions of today to these discrete missions and, in so doing, begin a deliberate, consistent disengagement of our forces and a reduction of our forces in Iraq. That is a policy that will, I think, work, and it is a policy that eventually, ultimately must be followed.

I think the reluctance of the administration to entertain any conditions whatsoever over the last several years has undermined, in the long run, our ability to influence the Government of Iraq and also to reassure the American public we are not into an open-ended, unlimited commitment, stretching years and decades and beyond, that our mission is discrete, that our mission in terms of military presence is coming down and will not reverse itself, and that we are doing all we can in that context to save lives in Iraq.

On 9/11, this country was struck by terrorists. The United States, this Senate, the Congress, the administration rallied together with unanimity and with purpose. We authorized and supported an attack against Afghanistan because that is where the perpetrators were lodged, that is where al-Qaida was headquartered. They were collaborating with the Taliban government. They were given safe haven there. The planning for so much of what went on, on that fateful day, originated from Afghanistan. That is where bin Laden, that is where the leadership of al-Qaida was. We struck there, and I must say in an extraordinarily successful operation—and credit and criticism must be given, and there is great credit in terms of the leadership of the administration, our military forces conducting a very sophisticated operation, an operation that used our advantages with precision weapons, used very effectively our special forces, and used collaborative efforts with forces on the ground in Afghanistan and also the collaboration and support, in many respects, of the international community. But rather than consolidating our gains after that successful operation and pursuing al-Qaida in Pakistan, where the leadership fled, the administration turned immediately, almost immediately, to Iraq. And not out of any, I think, strategic need, but out of a dogmatic political, ideological need.

They thought Iraq would be a relatively easy target. They were speaking in those days, informally at least, about a very short operation, and that almost immediately Iraq would blossom as a source of democratic inspiration and market economics in that region. We know the history has not been that cheerful. And that diversion to Iraq, I believe, was a deeply flawed strategy. It was an attack on a country that did not represent an immediate threat to the United States, a point I made on the floor of this Senate as I opposed the resolution of 2002 to conduct those operations.

Because we were pursuing not a strategic necessity but an ideological obsession, it was not a mission that was well advised or well planned for. There was more hope than planning involved, more ideology than practical commonsense application of force to a threatening situation in the world. One of the unfortunate ironies of this is that as we have been obsessed and committed in Iraq, al-Qaida has reconstituted itself as an incredible force once again. The whole purpose of our attack in Afghanistan, the whole thrust of our efforts immediately after 9/11, was to decisively and, we hoped, irrevocably destroy al-Qaida. Al-Qaida is back. While we have been engaged in this hugely expensive mission—expensive not only in terms of resources but in terms of the lives of our soldiers, marines, sailors, and airmen, and also the wear and tear on our military forces—al-Qaida has been quietly rebuilding.

The other thing that has happened unwittingly is that Iran has become a much more credible threat to stability in the region; has become even more influential and powerful. In some respects, this is a direct result of our engagement in Iraq.

Also in that time period, we stood by as the North Koreans overthrew the agreed framework, seized the plutonium that was in the reactors around Yongbyan and took it away. Now we are trying desperately to put together another agreement with the North Koreans, but after years in which they not only tested longer range missiles but also detonated a nuclear device. They crossed a threshold that had never been crossed before, they detonated a nuclear device, and our reaction was, I think necessarily perhaps because of our engagement in Iraq, one of seeking, perhaps too late now, a diplomatic approach. But if you go back to 2000, we had a framework in place that looks very much like the framework they are working out today. We had the plutonium secured, North Korea had not tested a nuclear device, and there were hopes that with further active negotiations we could make additional progress. That, I think, too, is a cost of our engagement in Iraq.

It has also greatly diminished our standing in the international community. This is not just a nice thing to have. An essential attribute of national power is the respect, the esteem, the cooperation, the good wishes, the goodwill, and the political and diplomatic support of other nations, because in this world most of the great challenges cannot be met alone. That was contrary, I think, to the unilateralism that abounded in this administration; that if in fact we are going to do something significant, longstanding and sustainable, it requires a multinational approach and the foundation of that approach is the goodwill and good wishes of the people of the world. This administration has squandered much of that.

It also is contributing, and we can debate how much, to this faltering economy. Oil today is $130 a barrel. Some of that is attributable to the instability in the gulf region; the fact that Iraq has not been producing the same volume of oil consistently over the last several years that it did before the operation. This geopolitical uncertainty has contributed significantly to the price of oil and it is also, I think, contributing to the overall economic issue we are addressing here today, a very critical issue in the United States.

Another aspect of this policy is that we have stretched our military, our land forces, to the brink, if you will. They have seen significant deployments consistently time and time again and the toll is adding up on our military forces. We are now left, and the next administration is left, and this Congress and the American people, with dealing with the consequences of this flawed strategy. I believe we have to begin to recognize and realistically assess the political and military situation in Iraq. We have to begin to develop and implement achievable missions for our U.S. forces there and their civilian counterparts, and then we must turn our attention to restoring our economic prosperity and growth, and rebuilding our military, which has been significantly stretched and stressed by this operation.

We have to also reorganize our civilian resources to deal with the ongoing threats in the world. That is something this administration has yet to do effectively—to develop a complementary power of our State Department officials, our agriculture officials, and all those people who must be part of this approach to a kind of warfare that is, in many cases, less about firepower and more about reaching people with economic progress and educational reform, and water systems. Those are more potent weapons sometimes than any precision-guided missile we might deploy.

I think our first step in all of this is passing this supplemental appropriations bill, with conditioned funding for our forces, with reasonable conditions about the mission and the responsibilities the Iraqi Government should have, and also once again beginning to invest in the American people, investing in keeping them warm in the winter through LIHEAP and keeping them cool through LIHEAP in the summertime; giving them a chance, if they lose

their job, to at least keep looking for some support with extended unemployment benefits, and so many other things we have included in this. I think that is critical.

Now, I mentioned before I have felt since 2002 that the strategy of the administration toward Iraq was flawed significantly. It was, I think, a product of a dogma. No one can I think dispute the power of democracy, and it is a power that is not exclusive to our culture. It is a human demand, the ability to live with a sense of personal integrity and personal freedom. But I think the administration didn't realize you need the institutional capacity to have a democratic government, and this capacity is not automatic nor is it built up in a matter of weeks or months. We have seen in Iraq, and in so many other places, that democratic elections do not necessarily lead to democratic political forces controlling a country; that you need to build carefully over, I would suggest, many years the institutional capacity so that elections lead to true democracy, not simply legitimizing those people who are antidemocratic.

I think this has been one of the tremendous flaws of the President's concept of the mission. As a result, we started off with, obviously, I think, an ill-conceived mission of eliminating weapons of mass destruction in a country in which it turned out there were no weapons of mass destruction. People forget that the United Nations put inspectors on the ground, and that it was this administration who hastened their departure, rather than using these inspectors over time to establish whether there were weapons or whether there were no weapons, or at least to do it in a way in which subsequent military action would be legitimized by either noncooperation of the Iraqis or the fact that the questions couldn't be established or answered. But they quickly rushed to a military option, and I think that option has had unfortunate consequences for the United States.

One of the principal consequences, and I mentioned this in my introductory comments, is the fact that al-Qaida, the existential threat to this country, as evidenced by 9/11, has in fact reconstituted itself, not only in the border regions of Afghanistan, to a degree, but much more particularly in Pakistan, in the federally administered tribal areas. These are poor tribal areas ill governed by the Government of Pakistan. In fact, there are provisions in their organic laws which limit their real access to these areas. It has a population of 3 million people, and in that 3 million people al-Qaida, bin Laden, and al Zawahiri have found sanctuary and a safe haven, that continues today.

In a sobering report released last month by the Government Accountability Office, they stated:

The United States has not met its national security goals to destroy terrorist threats and close the safe havens in Pakistan's FATA.

And this is 7 years after 9/11.

Since 2002, the U.S. has provided Pakistan with $10.5 billion in military, economic, and developmental aid. Half of it has gone to the military. But despite these actions—despite this extraordinary amount of money—GAO found broad agreement, as documented in the National Intelligence Estimate, State and embassy documents, as well as defense officials in Pakistan, that al-Qaida had regenerated its ability to attack the United States and had succeeded in establishing a safe haven in Pakistan's FATA.

Now, I thought the point of our national strategy after 9/11 was to destroy al-Qaida and to eliminate any possibility of a safe haven anywhere in the world. And according to these documents, our embassy, our Defense officials, our national intelligence agency, al-Qaida has reestablished itself and has found safe haven. I would suggest that is, I think, a stunning indictment of the strategy of this administration over the last several years; again, I think an unfortunate consequence of the obsession that they have chosen to pursue in Iraq.

An even more disturbing finding of GAO is:

No comprehensive plan comprised of diplomatic, economic, intelligence and military efforts for meeting U.S. National security goals in the FATA has been developed.

The one thing that seems to be consistent about the administration is they do not do much planning. There was no plan for Iraq and, according to the GAO, there is no plan for Pakistan and the federally administered tribal areas there.

A key part of the plan that must be developed in Pakistan is economic development. Because what I have witnessed, in the several times I have been to Pakistan, is that this is not strictly, as so many of these conflicts are, a military action. It requires providing economic support, it requires giving people a sense that their fate should be linked to their legitimate government, and that government should be pursuing goals which are not strictly sectarian. That government should be a government relatively open and democratic, and that the appeal of the extremist is weakened if people have that sense of confidence in their government, confidence in their future. That is not a military issue essentially; that is an issue of economic development, of supporting legitimate institutions of the state, be it Pakistan or elsewhere.

That has been recognized by, I think, many experts. But the senior U.S. Embassy officials in Pakistan admit there has been overreliance on the Pakistani military to achieve U.S. national security objectives; that we have not developed a complementary approach of a comprehensive strategy which includes economic, political, and social development also.

As a result, in March, the Director of the Central Intelligence Agency, Michael Hayden, described al-Qaida's safe haven as a ''clear and present danger to the United States.'' The chairman of the Joint Chiefs of Staff, ADM Michael Mullen, has stated:

If I were going to pick the next attack to hit the United States, it would come out of the FATA.

Now, let us be clear. It is not out of Iraq, it is not out of Mosul, or Basra, or Baghdad, it is out of the FATA. That is the view of the chief uniformed officer of the United States. The 2008 Director of National Intelligence annual threat assessment, which represents the combined judgments of 16 U.S. intelligence agencies, has concluded that:

The resurgence of the FATA now poses a preeminent threat to the United States national security.

The problems of the FATA are being highlighted by deteriorating conditions in Afghanistan.

What we have seen from the initial success in Afghanistan has been a steady, at times rapid, deterioration of conditions there. It is evident that our efforts in Afghanistan are being undermined by what is happening in Pakistan. Not only have we taken our eye off the major threat, al-Qaida, and allowed it to reconstitute, we are in danger of seeing the progress we have made in Afghanistan slip away.

In 2003, the Taliban, the former government, and their followers, who have continued to try to assert their will in Afghanistan, were operating squad size units. Now we have reports they are operating in battalion size units of almost 400 people, showing the climate has changed radically. Suicide bombers have attacked at rates that were not observed in Afghanistan until relatively recently, but as you have no doubt surmised, it is something that has been imported through terrorist networks into Afghanistan.

Afghanistan's index of corruption is among the highest in the world. You have a state that has marginal capacity to govern well and wisely. Again, this is after many years of our involvement, our engagement. Also, there was a sense that, initially at least, before Iraq, Afghanistan was the major test of our ability, not only to defeat al-Qaida but also to create or help create, in collaboration with the Afghanis, a stable government. That test is in danger of failing miserably.

Afghanistan now provides 93 percent of the world's opium. One of the great additional ironies, now it is one of the major suppliers of drugs, and it is doing so while we maintain our military and diplomatic presence there.

We have a NATO contingent there, but frankly NATO has not been able to fulfill all of its obligations, putting more pressure on our military alliance forces. I think we have to urge NATO to be more helpful. Hopefully, they will. But, as a result, we have sent additional forces in there, about 4,300 troops. We are prepared to send more. This is adding additional stress and strain on our military forces.

As I look, we are seeing a situation in which the principal objective in response to 9/11, the principal place where our enemies were, has now been relegated to the third page of the

paper, as the headlines are dominated by Iraq. I think we have a situation where we have literally taken our eye off the major existential threat.

We have another consequence of our operations in Iraq, and that is we have empowered Iran. Iran is heavily involved in Iraq. Its objectives are questionable. They have an interest in maintaining strategic depth by keeping the regime in Baghdad as one that is friendly to them, not hostile as the Baathists were. Also, they have many colleagues in the Iraqi Shia movement. Some of these individuals actually fought with the Iranians against the Iraqis in the 1980s in the Iraq-Iran war.

Iraq is materially assisting all the major Shia parties. They have not limited themselves to one party or one particular group. As we all know, in March of this year, President Ahmadinejad visited Iraq for 2 days. The present government in Iraq, Prime Minister Maliki and all, rolled out the red carpet—literally. He arrived in a motorcade and ran around Baghdad in a sport coat. When any of our colleagues go or when any of our major administrative officials go, it is surreptitiously, it is guarded, and it is in a flak jacket. So there is something going on there with respect to this Government of Iraq and Ahmadinejad and his warm welcome. I think it graphically shows the influence they have in that country.

We are finding a steady supply of IEDs which our military authorities trace to Iran, or at least their technology. Iran is heavily engaged in funding social organizations and building a model they have used elsewhere—Hezbolla in Lebanon, Hamas in the Palestinian Authority—where they are able to not only help them organize the military force but help them carry out social functions, helping people, helping widows, providing relief. That is very powerful when you have a dysfunctional government and that is the case in Iraq.

We also know, on another track, the Iranians are attempting to develop a nuclear fuel cycle. The IAEA, the International Atomic Energy Administration, has been spending decades trying to track the developmental work of the Iranian Government. In 2006 there were documents found of possible nuclear dimension to their program in Iran. This is of great consequence to us. There is a legitimate concern that if the Iranian Government were able to develop a nuclear fuel cycle and could produce nuclear material, they would not be able to resist the temptation to develop a nuclear device. That would be of significant consequence in the region and in the world.

All that is happening in the context of our energies and our attention being overwhelmingly devoted to Iraq. There is a connection between the growing geopolitical clout of Iran in the region and our situation within Iraq. In the long run, I think we might look back and discover that one of the real costs of Iraq was the emergence of a much more difficult, much more threatening, much more powerful Iran.

As I mentioned earlier, while we have been focused so strenuously on Iraq, North Korea has broken out of the Agreed Framework. They have expelled international inspectors. They have withdrawn from the Nuclear Non-Proliferation Treaty. They restarted their nuclear installation at Yongbyon. It is estimated that up to 50 kilograms of separated plutonium, enough for at least six nuclear weapons, have been taken by the North Koreans and dispersed somewhere in the country.

On October 9, 2006, the North Koreans conducted a nuclear test—crossed a red line they had never done before, detonated a nuclear device. Fortunately, over the last several months the administration has reinstituted serious negotiations with the North Koreans. Under the able leadership of Ambassador Christopher Hill, they have begun to identify and work with the North Koreans to identify where the plutonium might be, where there are other nuclear materials, nuclear technologies, and they are beginning to walk back where we were, ironically, in the year 2000 and provide some sense of a diplomatic solution to a very pressing problem.

But I would argue this would be a very different situation if we were not so decisively involved and engaged in Iraq.

I mentioned also, in the course of these last several years, our involvement in Iraq has hurt us in terms of the world's opinion. That is not just a nice thing to have, it is an essential thing to have. In late 2001, 52 percent of Turkish citizens and 75 percent of our British allies viewed the United States favorably. Now that favorable view has dropped to 9 percent in Turkey and 51 percent in Great Britain—one of our longest and most significant allies, Great Britain, and Turkey, one of the most significant members of NATO and also a Muslim country. We have seen our public approval drop precipitously.

In a poll conducted by the BBC just last month, 47 percent of citizens in 25 countries said the United States is playing a mainly negative role in the world. That type of public opinion will not inspire political leaders around the world to help us very much. In fact, to do so they have to consciously operate against their own public opinion. That is a difficult challenge anywhere.

Last month, Zogby and the University of Maryland surveyed citizens of Saudi Arabia, Egypt, Morocco, Jordan, Lebanon, and the UAE and found 83 percent had an unfavorable view of the United States. These countries are moderate Arab countries, so to speak, whose support in this effort in Afghanistan and Iraq and elsewhere is necessary. Their unfavorable view of the United States is alarming.

One of the keys we know of prevailing in this struggle is to challenge and rally the forces of moderation and democracy through the Arab world, of getting the people of the Arab world to understand that we are trying to assist them. That is not working, unfortunately.

Then, as I mentioned, we have the economic consequences of the war. In December 31, 2002, the New York Times reported:

> The administration's top budget official estimated today that the cost of a war with Iraq could be in the range of $50 billion to $60 billion, a figure that is well below earlier estimates from White House officials—
>
> Then OMB Director—
>
> Mitch Daniels would not provide specific costs for either a long or a short military campaign against Saddam Hussein. But he said the administration was budgeting for both, and earlier estimates of $100 billion to $200 billion in Iraq war costs by Lawrence B. Lindsey, Mr. Bush's former chief economic adviser, were too high.

To date we have approved $526 billion for operations in Iraq—far in excess of any of the estimates of the administration. That spending is affecting what we can do to help our own citizens, what we can do to play a positive role in the world—not in a military sense but in a diplomatic and international sense, helping in so many different areas.

Now, to gain some perspective on the $500-plus billion that we have committed to Iraq, what we could have used it for, this amount accrued plus the amount in the supplemental we are considering would have been sufficient to provide health insurance coverage to all the 45 million uninsured Americans for the timeframe 2003 to 2008. That is taken from the Joint Economic Committee. That would be a significant benefit to the people of America, but that is a benefit foregone. I have pointed out all this money to date has been deficit spending. This is not something we have paid for. One of the complaints we often hear around here is that it is irresponsible to spend money without somehow offsetting it. That line of thought does not persist with the administration when it comes to funding this war in Iraq.

We have also piled up huge contingency costs as we go forward. The direct costs are significant, but the indirect costs and the future costs are also important to note. We have to repair and replace the military equipment that is being used. We have spent money to increase recruitment and retention, and we have to do that for many years. We have had economic disruptions caused by deployment of the National Guard and Reserve troops who have to leave their jobs to go into the military.

According to a November 2007 report compiled by the Joint Economic Committee, the impact of the war on the U.S. economy to date is $1.3 trillion or $16,500 for every American family of four. So the costs, both direct and indirect, have been staggering.

Those costs continue. One of the critical costs we are going to face is the cost going forward of helping our veterans. I was very pleased last year to

act as the chairman of the Appropriations Subcommittee on Military Construction and Veterans' Affairs while Senator JOHNSON recovered, and now I am equally pleased to know that he is chairing that subcommittee and doing a remarkable job. But we were able to pass a significant increase in spending for our veterans.

But the real challenge for us is will we do that 5 years from now? 7 years from now? 8 years from now? 20 years from now, when these veterans still need the help but time has passed? I hope we will. That would be a test—and if I am here, I hope I will be able to remind people that the test is each year not 1 year or 2 years.

As Professor Stiglitz, a Nobel laureate, pointed out, this cost, when you aggregate it all, is in the trillions of dollars going forward, looking at the consequential costs today, looking at the direct spending.

That is taking its toll on the economy of this country.

Another place where the toll is being taken is on our Army and Marine Corps, particularly; our military in general, but particularly our Army and Marine Corps.

I recall, as so many of us do, years ago, August 3, 2000, to be precise when Governor Bush stated: Our military is low on parts, pay and morale. If called upon by the Commander in Chief today, two entire divisions of the Army will have to report ''Not ready for duty, sir.''.

Well, Army readiness is worse today than it was in 2000, and if that is the metric to measure the success of the Commander in Chief, I would argue that that metric has failed. If we look at readiness today, while we have a situation which our brigade combat teams that are deployed or are preparing to deploy are considered ready, the Army has only one ready brigade combat team in reserve for any other contingency in the world. Strategically our flexibility has been constrained almost to the vanishing point. That is a consequence of Iraq.

On February 26, the Army Chief of Staff, General Casey, said before the Senate Armed Services Committee:

> The cumulative effects of the last 6 plus years at war have left our Army out of balance, consumed by the current fight and unable to do the things we know we need to do properly, sustain our all-volunteer force, and restore our flexibility for an uncertain future.

He added:

> We are consuming readiness as fast as we build it.

I would ask, rhetorically, I wonder if General Casey had to report how many divisions are not ready today, it would probably be more than two, if you aggregated all of the brigades, that for reasons of training, equipping, and personnel are not at 100 percent.

On April 8, General Cody, the Vice Chief of Staff of the Army, testified before the Senate Armed Services Committee on readiness:

> I have been doing this for 6 years. As you know I was at G–3 of the Army and vice chief now for almost 4 years. And I have never seen our lack of strategic depth where it is today.

We have 162,400 troops serving in Operation Iraqi Freedom. There are 33,000 troops in Afghanistan serving in the ISAF and Operation Enduring Freedom. Since 2002, 1.6 million troops have served in either Iraq or Afghanistan, and many of them are multiple tours. Of those on active duty, 336,000 have 1 tour; 108,000 have had 2 tours; and 30,000 have had 3 or more tours.

This is a pace that cannot be sustained. It is a pace that is taking a tremendous toll on our troops and their families, and it is a toll again that cannot be indefinitely sustained.

For our reservists, we have had many of those who have had at least 1 tour, 97,000; 9,000 have had 2 or more tours; and the notices that went out this week to mobilize and alert roughly 42,000 troops include significant Reserve and National Guard deployments, brigade combat teams in the National Guard that will go again. I suspect for many of them it will be at least their second tour and perhaps for some their third. So we have had tremendous turbulence in terms of deployment of our land forces. Our military personnel are dedicated. They are doing a superb job. But they cannot keep up this pace. That is one aspect of it, personnel.

The other aspect is equipment. We have fought tirelessly here in this Congress to give our forces the equipment they need. I can recall returning in 2003 from Iraq, seeing my National Guard military police people in Baghdad being told that they did not have armored humvees and they needed them because they were in the middle of a fight in Fallujah.

I contacted the military authorities. I came to the floor of the Senate, proposed we increase the funding for armored humvees, and that was an initiative that started with my colleagues here in the Senate and the House, reluctantly agreed to, I think, from my perspective, by the administration. It took us many months to begin to get sufficient armored vehicles into Iraq.

Similarly we are now on a second and third generation with MRAP, the mine resistant vehicles. That too was a result of many efforts here in the Congress to get that equipment out to our troops.

I believe, I hope, they have everything they need, the latest technology. That is something that is absolutely essential. But all of this equipment is being used and overused. Roughly 30 percent of the Marine Corps' ground equipment and half of the Army's ground equipment is in Iraq and Afghanistan, again leaving very little back here in the United States, relatively speaking, for the training and the contingency operations that might take place here in a natural disaster or some other major contingency.

It is a harsh, hard environment. The operational tempo is wearing out this equipment. I recall being out in Anbar Province getting ready to go on a Marine helicopter. They were briefing us routinely, claiming that the engines on these helicopters were operating way beyond where they would normally operate. They assured me it was safe to get on the helicopter. But one wondered, as you got on: Would this rate of operational use, if the stress and the strains eventually, would it result in malfunctions for our troops, our forces, our marines in the field.

So we expect, the Army expects, to need $12 to $13 billion per year to reset the forces. The Marine Corps estimates it will need $15.6 billion for reset over the next several years when the operations begin to wind down. The Army National Guard has little more than half of its required equipment and they will need $22 billion for the next 5 years to build the equipment up to 75 percent of authorized levels. So we have a tremendous impact on our Army because of our operations in Afghanistan and Iraq, and principally Iraq.

The other aspect of readiness is training. Because the time back home of Army forces has been reduced effectively to 12 months, they cannot do the same type and the same level of training they had been doing previous to Iraq. In fact, if you talked to most troops, they come back from Iraq, and then they start training, not for the range of missions our military force has to be prepared for but for their next deployment into either Iraq or Afghanistan. In that time they have to squeeze in time with their family, they have to squeeze in the administrative details that are part and parcel of being in home base.

Their training is being pressured. Some of the equipment they need to train is not there. It is already overseas and it remains over there. There is this increasing concern that the only mission they are training for is counterinsurgency and urban combat, because Iraq dominates so much of the time, attention, and resources in the Army.

Another aspect of readiness is recruiting, and this high operational tempo has led the Army in some cases to miss their recruiting goals. Recently, they have been achieving those goals, but it is not without lowering standards, it is not without huge incentives or significant incentives. It is something that over the course of the next several months and years will show increasing strain and stress on the military force, their ability to recruit, their ability to retain.

In 2005 the Army missed its active-duty recruiting targets by 8 percent. That was the first time they had ever missed recruiting targets since 1999, and by a margin not seen since 1979, in the early years of the volunteer Army. Since 2006 the Army has met its yearly recruiting goals, but only by taking some extraordinary measures. In 2007, more than 20 percent of the new Army recruits needed waivers; 57 percent for

conduct, 36 percent for medical reasons, and 7 percent for substance abuse. There was a time prior to Iraq when the Army prided itself on approving very few waivers and was trying to drive the standards up, not lower the standards. Thus far in fiscal year 2008, only 82 percent of the recruits have high school diplomas. The longstanding goal of the Army is at least 90 percent. The maximum age for new recruits has been raised from 35 to 42. Now, all of these soldiers are doing their job. But we have to ensure, as we were doing before Iraq, that to the greatest extent possible we increase the quality of our forces. All of these reductions in standards will come with some cost as the Army continues to go forward.

There is another similar picture with respect to retention. The number of officers the Army needs grew by 8,000 as we increased the size of the Army, with 58 percent of this group in captains and majors. As the Army grows, they have to retain more and more of these captains and majors. While the overall officer loss rate for fiscal year 2007 equaled the 10-year average of 8.5 percent, this loss rate must drop to 5 percent in order to maintain this increased size of the Army at these critical positions of captains and majors.

What is happening is that the tempo of operations, the limited time with family, the cycling in and out of Iraq and Afghanistan, is causing these very talented officers, captains, majors, senior noncommissioned officers, to decide that they, for personal reasons, have to leave the service. And this is depriving the military, not only today, but for many years, of the talent and the skill they need, which is a great factor in our military forces. We have got sophisticated equipment, but if we do not have the high quality officers, senior noncommissioned officers, in all of our services, then we will not be as effective as we must be. The cost over the long term is a loss of many talented young men and women who otherwise would be committed to a career in the military.

We are taking efforts to retain these people with bonuses. But more and more what I am hearing is that the financial incentives, the other incentives, are not compensating for the time away from home, for the treadmill in and out of Iraq and Afghanistan, and the toll will mount despite these incentives.

There is another aspect too of what is happening, and that is something that has become the signature injury of these operations in Iraq and Afghanistan, that is, the increasing number of mental health issues arising within our forces. Post-deployment health reassessments which are administered to servicemembers 90 to 120 days after returning from deployment indicate that 38 percent of soldiers and 31 percent of marines report psychological symptoms. The figure in the National Guard is 49 percent.

Of the 1.6 million military personnel who have served in Iraq or Afghanistan, almost 800,000 who have left active service are now eligible for VA benefits, VA care. Of these almost 800,000 veterans, roughly 300,000, or 37 percent, have obtained VA health care since 2001. Of this roughly 300,000, 40 percent, have been diagnosed with a mental disorder.

That is a staggering total, a consequence of the stress, the strain, the types of combat situations, the types of weapons deployed against them. But that is a staggering figure. If that number is projected throughout all of those who have served, that is a huge number of active personnel and veterans who are suffering some type of mental consequence of their service in Iraq.

In January, Dr. William Winkenwerder, the Assistant Secretary of Defense for Health Affairs, announced the Army's suicide rate in Iraq has been about a third higher than past rates for troops during peacetime, another very significant and very sobering statistic.

Anonymous postdeployment surveys show that 20 percent of married soldiers plan to separate or divorce in 2006, another consequence of this operational tempo.

The incidence of alcohol-related instances has substantially increased over the last several years. The VA has identified that one in four homeless persons are veterans of wars in Iraq and Afghanistan. This is again another sobering statistic and a result of the operations that are being conducted and the requirements to deal effectively and principally with those veterans who are returning and those active-duty personnel who are returning.

We have encountered huge costs because of the failed strategy and incompetent execution of this operation in Iraq by the administration. We have seen over the last several months a surge that was promoted as giving the Iraqi Government the ability to reconcile itself, but that reconciliation has not yet been achieved.

We have seen, as I pointed out, that in Iraq today, probably the most influential country, certainly challenging us, is not a democratic country, but Iran, not a country that is committed as we are to the same democratic principles.

The Maliki government is a Shia government. It is operated in collaboration with the Kurds who have their own aspirations for autonomy.

The odd-group-out still remains the Sunni population. We have seen over the last several weeks operations in the south in Basra that started off inauspiciously and ended quickly with the help of Iran. We have seen operations now directed against the Sadr's militiamen in Sadr City, the JAM, the Mahdi army. This is rapidly becoming a fight not against international terrorism but a fight for power within Iraq among various factions and sectarian groups. We are being thrown into it day by day.

It also raises serious questions about, frankly, what we have done in the last several years to prepare for this day, to prepare not only the military forces in Iraq but the political institutions of Iraq to deal effectively and peacefully, we hope, with their citizens and to help develop a stable country that can stand on its own.

We are in a situation also where we have—and I think this was a calculated risk, one that was taken and is working, but the question is, How long it will work?—recognized Sunni militias. They are called the Sons of Iraq or Concerned Local Citizens. These groups are standing by at the moment watching as the Maliki government tries to assert its authority over JAM and some of the Shia extremist groups. But their future direction is uncertain. We are paying them. We have lobbied heavily that the Government of Iraq assume this responsibility. But there is a real question whether the Maliki government will ever truly recognize the 91,000 Sunni militiamen who are organized in the country, and there is the real potential that without this integration, this is another source of not only friction but of significant conflict in Iraq.

There are numerous scenarios that could play out. One scenario is, if Maliki is successful to a degree in disrupting the Shia militias and the JAM, he might decide it is now time to take care of the CLCs, the Sons of Iraq. This could prompt significant fighting. The other possibility is that the Sunni militias, the Sons of Iraq, the CLC, decide the moment is right for them to reassert themselves as a much more powerful force in the political life of Iraq. None of this is certain. But with each passing day, we are further away from weapons of mass destruction and international terrorism and al-Qaida. We are closer and closer to a struggle between contending Iraqi forces for the power to run their country. That is a struggle they must resolve. We cannot. It is a struggle that indicates, again, that our course must be to change our policy, to assist legitimate forces to train to go after whatever remnants of terrorism exist in the country and any place else in the world, and to at all times protect our forces.

Embedded in the supplemental is that policy decision which I hope we make positively. If we can begin our redeployment, successfully and without deviation, from Iraq, then we can begin to focus on what to me are much more critical and central issues—al-Qaida elements in Pakistan, the stability of the Government of Pakistan, renewed support for the Government in Afghanistan, and the successful effort to not only defeat the remnants of the Taliban but to do what we have not been able to yet, which is to create political institutions that will outlast us, that will be committed to a fair view of democracy and a fair view of the treatment of their own people. The economic infrastructure to support such a

government, not through opium but through legitimate commercial transaction, that, too, is a difficult task. And then, too, I think we can focus and must focus our attention on Iran, dealing with their nuclear aspirations and also recognizing that ultimately our success in the region of the Persian Gulf depends upon diplomatic efforts involving all countries in a positive way.

This is a tall order. It is a consequence of a misinformed strategy and failed implementation. I hope we can begin with this supplemental to change course, to move forward. I urge my colleagues to consider this supplemental, consider the fact that we have to change direction in Iraq and redirect resources here in the United States. I hope in that spirit we can pass this supplemental and move forward.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, I ask unanimous consent to speak as in morning business for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, I rise today with the hope that this Chamber will soon find consensus in our efforts to find a new course and a new direction in Iraq.

I am more convinced than ever that we must change our mission in Iraq from one of combat to one of support. We must place the responsibility for Iraq's future and for the security of its citizens in the hands of the Government of the Iraqi people. Until we change our mission and we take our military out of their streets, Iraqi politicians will not take the necessary, courageous, and final steps toward a political reconciliation that can achieve a lasting peace for Iraq and for the region.

Our military is performing admirably in difficult circumstances. They have been tasked with calming streets that are wrought with sectarian conflict, with unraveling thousand-year-old webs of Sunni, Kurd, and Shia rivalries, with understanding the mixture of motives behind car bombings, suicide bombings, roadside bombings, and mass executions. They have been told that if they do this and slow the downward spiral of civil war, the Shiite-dominated Government will press for national reconciliation and a more stable, secure future for Iraq.

Our troops have done their job. The Iraqi Government has not done its part. The Maliki government in Iraq has failed to capitalize on the opportunities for success our soldiers have provided, and the administration has failed to implement a political or a diplomatic strategy that is worthy of their sacrifice on the battlefield.

''There is no military solution . . . to the insurgency [in] Iraq.'' That is a quote from General Petraeus. It is a quote General Petraeus made to the world and to Members of this body many months ago. He was right then, and he is right today.

I believe the overwhelming majority of Senators have the same goals with respect to our future policy in Iraq. In my view, we share four key principles and ambitions.

First and foremost, every Senator in this Chamber wants a stable Iraq that can protect its citizens without dependence on American combat troops. Regardless of one's position on the merits or demerits of the invasion, we must now help Iraq stand as a sovereign nation. We must root out the terror cells that have set up shop since the invasion. And we must guard against a failed state. We must also find a way to help the 2 million Iraqis who fled across the border to Jordan, to Syria, and to Iran, as well as the nearly 2 million internally displaced persons who have fled the violence of their neighborhoods. It is the largest refugee crisis in the world today.

Second, we generally agree that our military mission in Iraq must transition at some point from one of combat to one of support. We must have the ultimate goal of bringing our troops home. We may disagree about the number or the timing of troop drawdowns, but we all know we cannot sustain 15 to 20 brigade combat teams in Iraq indefinitely. It will take courage and conviction to shift our mission and to bring our troops home, but if Iraq is truly to stand on its own, we must take the decisive action so we can begin that transition.

The third point on which I believe we can, by and large, agree is that this war has been poorly managed. The administration made a series of disastrous mistakes and gross miscalculations after the invasion. Failing to plan for a postwar Iraq, disbanding the Iraqi Army, purging Baathist technocrats from the Government, staffing the Coalition Provisional Authority with neophytes, sending our troops into harm's way without body armor or armored vehicles—these blunders have cost America dearly. They have eroded this administration's credibility, and they have cost us in lives and treasure.

Fourth, I believe there is a widely shared view in this Chamber that the United States should focus its military and diplomatic efforts on the most pressing threats to national security. Senators on both sides of the aisle agree that our top national security priorities should be to capture the men who were behind the attacks of September 11, to break up the terrorist training camps in Afghanistan and in Pakistan, and to confront the nuclear threats that we see, especially from Iran.

Sustaining 140,000 troops in Iraq limits our ability to prosecute the war on terror where terrorist training camps are actually located. Our top intelligence analysts have concluded that al-Qaida has regrouped—has regrouped stronger than ever—on the Pakistan-Afghanistan border. While it is true that al-Qaida in Iraq is a franchise, al-Qaida's main headquarters are elsewhere and not in Iraq.

Furthermore, prolonged commitments in Iraq limit our strategic flexibility should we need to respond to threats elsewhere around the world. We must evaluate whether putting all of our eggs in one basket in Iraq is the best strategy to protect America against threats and future attacks.

On these four points, I believe we should be able to find consensus in this Chamber. Our goal of stability in Iraq, our desire to start bringing our troops home, our shared frustration with the management of this war, and our concern that escalation in Iraq is weakening our defenses against terrorist threats and nuclear proliferation—these four points of agreement lead to the conclusion that we must find a new way forward in Iraq.

The wise heads of the Iraq Study Group laid the groundwork many months ago for a comprehensive strategy on how we would move forward in Iraq. We commissioned out of this Congress our finest and most experienced foreign policy experts, led by former Secretary of State James Baker and former Congressman Lee Hamilton, to provide us an objective and bipartisan set of recommendations on how we should proceed forward in this intractable war. I have reviewed this report multiple times, the report of the Iraq Study Group. That report was released at the end of 2006. It is a small book, but it contains great wisdom of our top diplomats, military commanders, and statesmen from around our country and, indeed, around the world.

The report of the Iraq Study Group laid out a political, diplomatic, and military strategy for how we create the conditions to end this war. Its core military recommendation is simple: It is time to transition our troops from a mission of combat to a mission of training, equipping, advising, and support of the Iraq military. Iraq must take responsibility for its own security, and it must be forced to take the political steps necessary toward that reconciliation.

Unlike the President's policy, the Iraq Study Group's prescriptions couple a military strategy with a robust and effective diplomatic and political strategy. The group recommended making our economic and military support contingent upon the Iraq Government devising and achieving specific benchmarks. While the Iraqis have made some progress in achieving these benchmarks, much remains to be done, and most of these benchmarks have not been met.

Finally, the report makes it very clear we need a diplomatic offensive to help change the equation in the Middle East. Under this diplomatic push, we would reach out to potential partners in the region, engaging those partners in the region as we strive to have a stake in creating long-lasting peace and stability in Iraq.

I wish to spend a few minutes now speaking about the Iraq war provisions in the supplemental which is later on in the day formally before the Senate. The bill before us contains many of the propositions that would change our Iraq policy in ways that are consistent with the Iraq Study Group's core recommendations. First and foremost, the bill expresses the sense of the Senate that our troops' mission should change from combat operations to counterterrorism, training and supporting Iraqi forces, and force protection. It would set a reasonable goal—not a deadline, a reasonable goal—of June 2009 to complete this transition. This goal is some 15 months past the date of March of 2008, which the Iraq Study Group originally proposed as its target date for the completion of this transition.

This bill would require the Iraq Government to stand up to its own responsibilities in important ways. It would be required to match any funds we spend for training of Iraqi security forces or for reconstruction. This legislation would ensure that the U.S. military pays the same price at the pump as Iraqi civilians are paying today, by requiring the Iraq Government to provide the same kind of support for the fuel costs we are using to protect Iraq today. We are spending $12 billion of America's taxpayer dollars each month in Iraq. We are spending $12 billion of American taxpayer dollars each month in Iraq. After more than 5 years of this war, in my view, it is time for the Iraq Government to share this financial burden.

We also need to recognize that this administration's policies have stretched our military to the breaking point. Our troops are away from their families too long, they do not get enough time to train, and readiness is suffering. Under this legislation, the President would have to certify that troops are fully trained and equipped before they are deployed to Iraq. It would place a time limit on combat deployments and ensure that our troops have sufficient dwell time between tours.

Finally, the bill would ban permanent U.S. bases on Iraqi soil and require that any mutual defense agreements with Iraq must be approved by this Congress and by this Senate.

It is not enough to simply endorse a set of military tactics and hope for the best, which is what the President of the United States has done. The solution in Iraq, our military commanders tell us, is one which is not a military solution but one which combines all those elements that were set forth in the Iraq Study Group.

Henry Kissinger once said America needs to rid itself of ''the illusion that there are military answers to our security, and that policy ends where strategy begins.''

We would be wise to heed Kissinger's advice in this age of turmoil. There are no easy answers in Iraq, no easy exits, no certainty of success. To stay on the President's path of more of the same is simply to embrace a policy that is not working—the same dogmatic leadership that led us into war, the same dogmatic leadership that failed to make a postinvasion plan, the same dogmatic leadership that chases the hope of a mission accomplished without regard to learning the lessons of the failures of the past.

To charge a new path—to build a political, diplomatic, and military strategy in Iraq—is to embrace the role of a statesman. For it is a statesman, Kissinger used to say, who takes responsibility for all the favorable results if everything goes as planned but also for all the undesirable results if they do not.

To serve as statesmen is our role. This is our role as Senators. It is up to the wise heads of this body to take the long view in Iraq, to be realistic about our options, and to consider all our national security interests—from terrorism to nuclear threats—when pursuing our goals of stability and peace in the Middle East.

Thank you. I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, I ask unanimous consent to speak as in morning business for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FARM BILL VETO OVERRIDE

Mr. SALAZAR. Mr. President, I wish to spend a few minutes speaking about the farm bill. We will be considering an override of the President's veto hopefully later on this afternoon.

As I understand, a few hours ago, the President went ahead and vetoed this bill which we worked on so hard in this Chamber for the last 2½ years, under the great leadership of Senator HARKIN, Senator CHAMBLISS, Senator BAUCUS, and Senator GRASSLEY, along with Senator CONRAD and so many of my colleagues on the Agriculture Committee as well as the Senate Finance Committee. Hopefully, we can override the President's veto quickly because what is at stake is the security of America in so many different ways.

From what my colleagues tell me, this is the best farm bill we have written in the Congress in the last several decades. For me, there are significant portions of this bill which open whole new opportunities for America, and I wish to spend a few minutes talking about what I think some of those opportunities are.

First and foremost, we need to remind the Nation this is a bill about feeding the hungry. It is a bill about nutrition. Nearly 70 percent of the money under this legislation will go to feed the most vulnerable people in America, including providing healthy food—fruits and vegetables—for the young people of America. For my State alone, what this will mean—I come from a small State of some 5 million people—is that about $45 million a year in fruits and vegetables will go to help our young kids who are in school so they can learn healthy eating habits and so they can be in an environment where they can truly learn. So nutrition is a very big part of this legislation. It is why hunger advocates, the faith community, schools, and so many others have been beating the drum so loudly for us to get this bill completed.

Second is rural development. Rural development is a huge issue for much of this country. Today across America there are some 1,700 counties, and more than half the counties of America are designated as rural. About 800 of those counties lost population in the last few years. It is part of the America that is withering on the vine. Many of the provisions of this farm bill, including rural development sections of this farm bill, will help this part of America, which seems to be left out, to be put into a position of being second class. This farm bill invests heavily in rural America through the rural development programs that are included in this legislation.

Third is conservation. Through the leadership of Senator HARKIN and his vision for what we do with conservation, the $3 billion-plus that is added for conservation in this farm bill will help us make sure the conservation ethic we have pursued in this country is something we can preserve for a long time to come.

Fourth, title IX of this farm bill is the energy title. In that title of the farm bill, we continue a policy which has been a bipartisan policy of this Congress to try to get rid of our dependence on foreign oil and to try to harness the power of the wind, the power of cellulosic ethanol, the power of hydroelectricity, the power of geothermal, and so many other renewable energy resources. Rural America stands ready to grasp the reins of responsibility and opportunity to help us achieve energy independence in a real way. So the energy section of this bill is a very important part of it, and so many people have been a part of this and have worked on this legislation.

Finally, I would say this is work which has involved the administration now for 2½ years. It baffles me that this President would turn his back on the people of America by vetoing this

farm bill, knowing his administration has been helping us craft this bill. The excuse I have heard, which has been out there in public, is this farm bill raises taxes. This farm bill doesn't raise any taxes at all. Unlike the fiscal recklessness we have seen over the last 7 years with this administration, what we have done is we have paid for this bill. This bill is 100 percent paid for, and it is paid for without a tax increase. It is paid for with the reforms we have included in this farm bill.

So I am hopeful when this legislation does get over here to the floor for the consideration of the override of the President's veto, we will have a near acclamation of a vote against the President's veto of the farm bill.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MENENDEZ. 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.

Mr. MENENDEZ. Mr. President, I ask unanimous consent to speak as in morning business for approximately 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SUPPLEMENTAL APPROPRIATIONS

Mr. MENENDEZ. Mr. President, as we debate the supplemental, I want to speak about the importance of extending unemployment insurance to our economy and to so many of our fellow Americans.

I know if Senator KENNEDY were on the Senate floor today, he would be leading this effort, lending his powerful voice, as he always does, with fervor and passion on behalf of those in this Nation who are in need. I certainly hope and pray that he will be with us once again lending his voice to this and so many other critical issues.

Mr. President, we know there are Americans in need. These are difficult economic times, not just for Americans on the bottom of the economic ladder but for Americans from all walks of life.

In the past year alone, as this chart indicates, losses in the stock market and in home values have totaled $2.7 trillion each—that is trillion with a ''t.'' Foreclosures have risen 130 percent since 2006. Some 20,000 families lose their homes every week. This combination of a credit and housing crisis isn't just affecting Wall Street or homeowners, but it is reaching throughout our economy and putting a strain on businesses, large and small, from factories to restaurants.

Under the pressure of this economic squeeze, the economy has lost 260,000 jobs in the last 4 months alone. Beyond just the loss of the jobs, what is hurting those who have lost a job is the time it is taking to find a new job. These are not individuals who are just sitting back and waiting for someone to offer them a job. These are people who are actively engaged in the labor market and looking for gainful employment, looking for the dignity of a job.

This chart shows us the average length of unemployment has risen to almost 17 weeks—longer than at any time Congress has extended benefits in the past 30 years. In my State of New Jersey, each week some 3,000 more unemployed workers are exhausting their benefits. It is not that they are sitting back at home. They are engaged in the market looking for jobs—many times even outside of their field, simply to be gainfully employed.

While we certainly hope some of the recent efforts we have performed in the Congress to stimulate our economy will be successful, there are still troubling signs. Long-term unemployment is higher now than before the last recession. Mr. President, 17.8 percent of people unemployed find themselves searching for a job for over 27 weeks. That is a 58-percent increase since the year 2001. Statistics show those who are unemployed are going to have a very difficult time finding a job, as there are 7.6 million unemployed Americans competing for only 3.8 million jobs. That is two workers for every job.

Some are struggling more than others. Veterans and minorities have been disproportionately burdened by our struggling labor market. Young male veterans who answered the call to protect our Nation after September 11, 2001, are now faced with an 11.2-percent unemployment rate—well over twice the national average. A total of 21,588 newly discharged veterans are now unemployed and collecting unemployment insurance.

It seems to me the last thing these brave men and women who risked their lives dodging bullets and IEDs in Iraq and Afghanistan should have to worry about is finding a job when they come home. And when they cannot, it seems to me the last thing they should have to worry about is not having any income to sustain themselves and their families. Now they are standing in an unemployment line, and pretty soon they will not be able to do that either.

Minorities are also being hit especially hard by our current economic conditions. For Hispanics, unemployment has grown to 6.9 percent. For African Americans, unemployment has grown 8.6 percent. Both are well beyond the national average. We cannot ignore the fact that the subprime crisis has also disproportionately affected some communities more than others. Unfortunately, for many of these hardworking Americans, their hope of obtaining and continuing to keep the American dream has instead become a personal nightmare.

These statistics are not just numbers. The 260,000 jobs lost this year, the 7.6 million Americans who are unemployed, the 21,000 veterans collecting unemployment—this is not just economic data. Behind each number is a story and an American worker who is struggling.

Let's take a moment to imagine what it would be like to be one of these workers. All of the Members of the Senate are gainfully employed. But try to put yourself in the shoes of one of these American workers. Imagine you have two kids, you have a mortgage to pay, and you just lost your job. That alone is a scenario that could lead any family into hard times. If you are also facing foreclosure because of a bad subprime mortgage that has reset to a higher rate, or if losing your job meant losing your health care insurance that provided coverage for your children, imagine how powerless you would feel. Imagine the uncertainty of not being able to find a job, not being able to pay for your child's college education for the next semester, not being able to keep the home in which your children grew up. Imagine what that must be like.

Mr. President, there are hundreds of thousands of Americans facing these very dire circumstances, who know all too well, unfortunately, what it feels like. It is up to us to lend them a helping hand during their darkest days. That is what the extension of unemployment benefits in the supplemental will accomplish.

On top of that, we also know extending unemployment is one of the most effective ways to help the economy. For every dollar the Government provides in unemployment insurance, $1.64 goes right into our economy.

While I, along with many of my colleagues, believed this should have been part of the stimulus we had earlier, I am pleased we have another chance.

Today, as unemployment and the cost of living continue to rise, it is even more imperative to act now and do what is right. Mr. President, 1.4 million workers have been actively looking for a job for more than 6 months—half a year of their life actively looking for a job. As it is becoming harder to find a job, more families are running out of their unemployment benefits. Thirty-six percent of workers exhaust their benefits before finding a job, and many expect that number to increase. In March of this year, 45 percent of New Jerseyans receiving unemployment insurance exhausted their benefits before finding a new job.

We have a chance to fairly and reasonably address the challenges that long-term unemployment are creating for many fellow Americans. Extending unemployment insurance will help those who are hit hardest and give the economy a much needed shot in the arm.

We have this opportunity to act, and act now. I cannot understand when those who try every day, get up and go

out into the market to try to find a job—when we have twice the number of Americans as there are jobs competing for employment—why we are saying to veterans who have come back and others who are standing on an unemployment line that soon that will be cut off as well. It is unconscionable.

We have an opportunity to change that in this supplemental. I hope our colleagues who enjoy the benefits of gainful employment will give the American workers the helping hand they need and stimulate our economy by supporting the extension of the unemployment insurance.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, I want to say a few words about two important components of the domestic supplemental bill which, in my view, must be passed whenever we end up considering that legislation, and that is the new GI educational bill and the billion dollars in the bill for the Low Income Heating Assistance Program.

As an early cosponsor of the post-9/11 Veterans Educational Assistance Act, I am here today to ask my colleagues not only to pass this legislation but pass it with big numbers so if President Bush decides to veto it, we will have the votes—and he knows we will have the votes—to override that veto.

The soldiers who have served in Iraq and Afghanistan have paid a very heavy toll. In Iraq alone, over 4,000 have died, over 30,000 have been injured, and tens of thousands more have come home with post-traumatic stress disorder and traumatic brain injury.

In my State of Vermont, middle-aged dads and moms have left their families, they have left their kids, they have left their jobs, and they have joined their fellow members of the National Guard and Reserve in a kind of war they never dreamed they would be fighting. But they went to war and they did their jobs, and they did their jobs well and without complaint. They gave as much as they could give for their country, and now it is our turn to give back, not only for them but for the well-being of our entire economy.

The original GI bill was an appropriate way for a grateful nation to say thank you for the service and sacrifice of those who wore our country's uniform. That bill was not only a way to express our appreciation to the greatest generation, but it enabled millions of Americans to get a college education, and by doing that, it helped reshape the American economy, it created immense wealth, and allowed millions of Americans to enter the middle class.

There are, in fact, those who believe that the GI bill was one of the major reasons for the strong economic spurt this country enjoyed from the end of World War II to the early 1970s.

Unfortunately, as many returning soldiers understand, today's GI educational benefits do not match up with what the World War II veterans received and do not come close today to covering the cost of a college education. That is why it is so important that we update these benefits by passing the new GI bill, both for our Active-Duty soldiers and for the National Guard and Reserve.

As a nation, we must understand that caring for our servicemembers is part of the cost of going to war. If we are going to go to war, we cannot forget about the men and women who put their lives on the line and returned from that war.

There are some who say this bill is too generous for our servicemembers, that we cannot afford to provide these benefits. I disagree. If we can spend $12 billion every single month paying for the cost of the war in Iraq, we surely can spend the equivalent of 4 months of that war to pay for the cost of the educational benefits for these men and women for a 10-year period.

The new GI bill will cover the highest in-State undergraduate tuition at a public college or university where the veteran is enrolled, plus a living stipend, and would be based on how long the veteran served in active duty. This money could also be applied to law school, medical school, or approved programs of study.

This is an extremely important piece of legislation. I congratulate Senator WEBB for offering it. And now it is our job to pass it.

There is another component of the domestic supplemental that also must be passed, and that is the $1 billion in additional funding for LIHEAP that was included in the supplemental appropriations bill through the adoption of an amendment by Senator JACK REED of Rhode Island. I thank Senator REED for offering that amendment and for getting it passed in the Appropriations Committee by a bipartisan vote of 20 to 9, which included 5 Republicans.

Furthermore, I have been active on that issue by authoring a letter, which was cosigned by 20 of my colleagues, including 4 Republicans, who also understand the absolute imperative for increasing funding for LIHEAP.

Two years ago, under the leadership of Senator SNOWE and many other Senators, LIHEAP funding was increased by $1 billion above the appropriated level because it was well understood that at that time, we faced a home heating emergency. I strongly agreed with that assessment. But if we faced a home heating emergency a year ago, we face a much more severe home heating emergency today, and that is because the price of heating oil and propane are escalating off the roof. They are much higher today than they were several years ago. It is absolutely imperative that we significantly increase funding for LIHEAP if we are not to see the purchasing power of this program eviscerated.

While $1 billion is a good step forward, the truth is, we are going to need a lot more than that to keep pace and level fund in terms of real dollars what the American people are receiving from LIHEAP.

Two years ago, as you know, the price of heating oil was less than $2.50 a gallon. Today it is about $4.50 a gallon. What I can tell you is that last winter in the State of Vermont, there were families unable to heat their homes. Families with children became sick because the temperature in those homes was too low. That was last winter. Certainly if that was the case last winter, it will only be worse next winter.

Let us be very clear that the LIHEAP program addresses not only families who are worried about keeping warm in the wintertime, it also addresses the very serious problem of families, especially older people, who, when the weather gets 100-plus degrees, will be too warm in the summertime.

It also addresses the issue of more and more Americans having their electricity disconnected. According to the National Energy Assistance Directors Association, which represents the State directors of LIHEAP, a record-breaking 15.6 million American families, or nearly 15 percent of all households, are at least 30 days late in paying their utility bills. Several States have laws on the books that impose a moratorium on cutting off essential utility services in the winter. However, these utility shutoff moratoriums expire during the spring. Without additional LIHEAP funding, senior citizens on fixed income, low-income families with children, and persons with disabilities from all across this country are in danger of having their essential utility services shut off this spring. This is going on in California, Iowa, Massachusetts—all over this country. Rapidly rising energy costs are the major reason so many Americans are late in paying their energy bills. It is extremely important, therefore, that additional LIHEAP funding be included in the supplemental to address these urgent needs.

I hope very much when we get around to addressing the domestic supplemental bill that, A, we absolutely pass this legislation with strong numbers for our veterans to give them the educational opportunities they need and our country needs and, B, let us not forget that with the cost of gas and oil soaring, millions of Americans will go cold next winter. There are people who will suffer this summer unless we pass an expanded LIHEAP program.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

ORDER OF BUSINESS

Mr. CONRAD. Mr. President, I have just spoken with Senator GREGG, the ranking member of the Budget Committee. He has graciously agreed that I could begin to discuss the budget conference report. He is at the White

House and will be returning shortly. We have agreed in principle that the time I consume and that perhaps he consumes when he later arrives will be used against the 10 hours, that we will do that retroactively. But we start without an agreement because they are working on a global agreement as to how we will conclude the work of the Senate the remainder of this week. Until they have that agreement, we will not reach a unanimous consent agreement with respect to how we dispose of the budget conference report.

For the information of colleagues, there is up to 10 hours allocated to the budget conference report discussion. We hope that could be done in less time, obviously, and that we might vote this evening, for the notice of my colleagues, or potentially tomorrow, depending on how long it goes and the decision of the leadership.

Before I begin the discussion of the conference agreement, I ask that the clerk keep a close tab on the time because we will try to reach an agreement later to retroactively apply the time.

The ACTING PRESIDENT pro tempore. Without objection, the Senator from North Dakota is recognized.

SENATOR EDWARD KENNEDY

Mr. CONRAD. Mr. President, before I begin on the budget conference report, I wish to say publicly how the entire Senate family is thinking about Senator KENNEDY and Vicki and the family, how much we miss him, his presence on the floor, how much we miss his presence at our caucus, and how much all of us are fervently hoping for his full and quick recovery.

If there is anybody who can beat this, it is TED KENNEDY. He is a lion. Rarely have I ever met somebody of such force of will, somebody who is so totally dedicated to serving the people whom he represents, someone who cares so deeply about America's democracy, about this institution.

On both sides of the aisle, I have had many Senators say to me: TED KENNEDY is simply the most productive Senator among us. Nobody turns out more work, more quality work than he does. Whether you agree with his legislative positions or disagree, you have to admire the incredible energy and devotion that he brings to the job, the respect he has for this institution, and his determination to advance causes in which he believes.

My family has been close to the Kennedy family for many years. When John Kennedy's advance people came to North Dakota or Robert's advance people or TED KENNEDY's, they always stayed with my family. So I have always felt a very close association with the Kennedy family.

Anybody who looks back on his extraordinary service here, virtually unparalleled in the history of the Senate, has to have profound respect for TED KENNEDY, for his work, his values, his deep and abiding love of this country, and of the institution of the Congress, and his respect for the Presidency of the United States.

I want Senator KENNEDY to know that all of us here are pulling for him. I want Vicki to know that we stand ready to do whatever we can to lighten her burden and the burden of the rest of the family.

I deeply admire Senator KENNEDY. Also, what a light he is in this Chamber. He uplifts the rest of us. I have seen many times, when others were stricken in this Chamber, the first person to call was TED KENNEDY, always eager to help when somebody faced a tragedy.

We are thinking about Ted.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. CONRAD. I will be happy to yield.

The ACTING PRESIDENT pro tempore. Without objection, the Senator from Utah is recognized.

Mr. HATCH. Mr. President, I am so grateful to the Senator. I wish to associate myself with the remarks of the distinguished Senator from North Dakota and tell him I don't know anybody in the Senate who feels more deeply about Senator KENNEDY than I do. We have been adversaries for 32 years. We have also been partners.

I have watched what their family has given to America. I love his sisters. I love the in-laws. I know he raised the children, and they are good kids. I have great faith in TED KENNEDY as a person who will fight back with the faith and prayers of all of us in the Senate and millions of others across the country. I believe Ted will be able to come back, and he will come back, and I believe he will be able to whip this problem. I am going to exert all the faith and prayers I possibly can to help him do it.

I agree with the distinguished Senator, whenever any of us encountered great difficulty, he was always the first to call.

We have worked together on so many pieces of legislation, landmark legislation, that I wish to personally compliment him for being willing to cross the aisle in so many ways and to work out difficulties. One of the last things we worked on was the bio bill. That is a very complex, difficult bill, and we worked along with Senator ENZI, who is a wonderful companion of Senator KENNEDY on the HELP Committee. We worked with Senator CLINTON, who added a great deal to the work on that bill. Senator SCHUMER was a great asset on that bill. These are people for whom I have great respect.

Let me say to Ted and Vicki that our prayers and our faith are with both of them and their children and the rest of the extended family, and we will do everything in our power to support Senator KENNEDY in this time of difficulty. I personally believe that if we have enough faith and pray hard enough and with the great clinical help he will have, Senator KENNEDY will return and continue to do the job he believes in. I know he appreciates everybody who has spoken out for him, who has expressed concern, who has expressed anguish, as I do here, about his present situation. I know he is facing this with a great sense of humor, which is one of the most endearing qualities Ted Kennedy has, among many endearing qualities.

He carries so much weight on the Democrat side and, of course, for those of us who work with him on the Republican side, a lot of weight with us as well. So I want him to know we all love him, appreciate him, and appreciate the leadership he has provided through the years and the quality of the person he is.

If the distinguished Senator would allow me to address another topic, I would be very grateful.

Mr. President, I ask unanimous consent that these new sets of remarks be placed in the RECORD at an appropriate place.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HATCH. I will have more to say about Senator KENNEDY later, but I wanted to make those few remarks here today.

COMBATING CHILD EXPLOITATION

Mr. HATCH. Mr. President, the exploitation of children is a plague. It is a war with many fronts, and we must be engaged in them all. I wish to review some of the ways we are fighting this good fight and encourage my colleagues to be as relentless in protecting children as are those in the world who exploit them.

Just 2 days ago, the Supreme Court upheld our most recent attempt to combat the spread of child pornography. In a 7-to-2 decision—an overwhelming vote by the Supreme Court, by the way—the Court held that the PROTECT Act is consistent with the first amendment. I introduced the PROTECT Act in January 2003. It passed this body unanimously in February, passed the House without objection in March, and was signed into law in April. The PROTECT Act prohibits the pandering or solicitation of child pornography.

Child pornography is perhaps the most egregious form of exploitation. It not only victimizes and brutalizes children directly but makes a permanent record of that abuse that may never be erased. Child pornography is not protected by the first amendment, which means its possession and sale can be banned.

In 2002, the Supreme Court struck down the Child Pornography Prevention Act, a bill I introduced in the 104th Congress. So we went back to the drawing board. If the objective is important—and I do not believe any objective is more important than protecting children from exploitation—then we must not take no for an answer. We must not let speed bumps,

roadblocks, or potholes, or Supreme Court decisions stop us.

The PROTECT Act was the result. We studied the Supreme Court's decision and used its guidance to craft a bill that would prohibit the offer to distribute or the request to receive child pornography. When it upheld the PROTECT Act this week, the Court said that the speech this law targets is what literally introduces this destructive material into the distribution network. Now the PROTECT Act can be deployed in our ongoing, never-ending fight to protect children from exploitation, and I am glad it can be deployed.

I thank my colleagues for not giving up, for not throwing up your hands when the Supreme Court initially said no. I thank you for rolling up your sleeves, for joining with me to find some way to protect children.

Let me quote from the closing paragraph of Justice Antonin Scalia's opinion this week in United States v. Williams:

> Child pornography harms and debases the most defenseless of our citizens. This court held unconstitutional Congress' previous attempt to meet this new threat, and Congress responded with a carefully crafted attempt to eliminate the First Amendment problems we identified. As far as the provision at issue in this case is concerned, that effort was successful.

While the 108th Congress passed the PROTECT Act, the 109th Congress passed the Adam Walsh Act. The Adam Walsh Act was a comprehensive child protection bill hailed by agencies and organizations throughout this country for its importance.

This legislation enhanced the Web technology available for tracking convicted sex offenders and replaced outdated and inaccurate Web sites with meaningful tools to protect children.

Today, there are more than half a million registered sex offenders in the United States. Unfortunately, many of them receive limited sentences and roam invisibly through our communities. With too many, we don't know where they are until it is too late. Under this law, offenders are now required to report regularly to the authorities in person and let them know when they move or change jobs. If they do not want to follow the rules, they will go back to jail because failure to provide meaningful information is now a felony. In addition, the law created a searchable national Web site that interacts with State sites. Citizens in every State are able to inform themselves about predators in their communities with accurate information.

Unfortunately, many of the enforcement provisions in the Adam Walsh Act have not been funded, and I am fully aware of the competing demands for funding but have no doubt that Americans throughout this country would approve of Federal tax dollars being utilized to ensure that criminals who blatantly trade in child pornography are made to pay a high price for these crimes. I urge my colleagues to show their dedication and resolve to fully fund the Adam Walsh Act.

In another important development, last night the Senate passed the Protect Our Children First Act. I joined Senator LEAHY in introducing this legislation last July, and it is now on its way to the President to be signed into law. This legislation authorizes continued funding for the National Center for Missing and Exploited Children, a center we helped to create. The collective expertise of the center has been invaluable in efforts to address child exploitation, and this bill will ensure their vital work will continue.

With all of the tremendous advantages brought about by the Internet, it has also provided a means of communication which criminals use to advance their crimes. We are all aware that pedophiles are utilizing the Internet to facilitate distribution of illegal child pornography. Everyone agrees this type of crime is the most heinous imaginable, but many think the people who trade these horrendous videos and pictures must set up elaborate technology to facilitate their illegal activities. Unfortunately, this is not true. Many individuals throughout this country utilize peer-to-peer software to share illegal child porn with as much ease as sharing MP3s. Many criminals don't even bother trying to hide what they are doing. They utilize graphic words and acronyms to describe the horrible pictures and videos which they willingly share with one another. They seem to have no fear of being caught by law enforcement.

To illustrate this point, I want to highlight a graphical representation of the locations where law enforcement determined child pornography videos were hosted on computers and shared via peer-to-peer software. It is as disturbing as it is eye-opening.

This map shows the continental United States and locations where child pornography was electronically traded on May 15, 2008. This is just 1 day in the life of this country—6 days ago, as a matter of fact. And it is not meant to be all-inclusive; these are the ones we know of. You can imagine how many there must be. Just in the DC area, look at the child pornography electronic trades. And those are the ones we know about.

Now, this type of activity has created a market for new child pornography. In order to move into the higher echelons of this criminal activity, individuals need to offer new material, new graphic pictures and videos. Many of these criminals find that the easiest way to get new materials is to make it themselves; thus, a vicious cycle is created. These monsters, in some sick, sadistic goal of obtaining stature, videotape their crimes against children in order to facilitate their twisted version of moving up the ladder.

Congress has done a great deal to address this issue. We have passed numerous statutes in order to ensure those who harm children face the most serious penalties possible.

While many local law enforcement agencies are doing a fantastic job addressing these crimes, they are often limited by a lack of manpower and equipment. One program that has had great success is the Internet Crimes Against Children—the ICAC—Task Force Program, which has utilized State and local law enforcement agencies to develop an effective response to child pornography cases. These ICACs provide forensic and investigative activities, training and technical assistance, victim services, and community education.

Last week, the Senate Judiciary Committee passed legislation, which I cosponsored with Senator BIDEN of Delaware, which would take significant steps in highlighting the Federal Government's strategy to address child exploitation and ensuring that each State has an ICAC.

The bill also calls for an annual report from the Attorney General, which will represent the national strategy for child exploitation, prevention, and interdiction. I believe this report will be invaluable for the effective coordination of Government efforts to address this problem.

I have no doubts this legislation will be instrumental in combating child exploitation, and I urge my colleagues to pass this bill quickly.

I also wish to mention another extremely valuable organization that is playing a vital role in locating missing children. A Child is Missing is a nonprofit organization assisting the police in the first hours after a child's disappearance. For over 10 years, this organization has provided local law enforcement with technology otherwise unavailable to them.

Here is how the program works. When a child is missing, local law enforcement contacts the organization with details of the disappearance, including the child's description, clothes, and last known location. A Child is Missing records a message on behalf of the police agency, and this message is phoned out to the geographical area where the child was last seen. The organization has the ability to send over 1,000 calls in 60 seconds. This message asks for residents to contact the police if they have any information.

The effect is instantaneous in that this service opens the eyes of the entire neighborhood in search for the missing child. We all know these first few hours are critical in finding missing children, making this service critical. This is the only program of its kind in the country, and law enforcement has credited it with over 300 safe assisted recoveries. This service is available to law enforcement throughout the country and at no charge to the agencies. It operates 24 hours a day, 365 days a year.

I have joined Senator MENENDEZ in introducing legislation, S. 2667, to ensure that this organization will have the funds to continue to offer law enforcement throughout this country this invaluable service. I am hopeful this bill receives prompt consideration.

In conclusion, Congress has many opportunities to advance the worthy cause of reducing child exploitation. I call on my colleagues to continue this noble cause and pledge my continued support to advance appropriate legislative endeavors.

FISA

Mr. HATCH. Finally, I wish to briefly turn to FISA. This Congress has been working on FISA modernization for over 400 days with apparently no end in sight. Should it take this long? The Constitution of the United States was written in about 115 days. That included travel time on horseback for the Founding Fathers.

Congress has had plenty of time to debate this issue. We have to make sure we do not create unnecessary obstacles for intelligence analysts to track terrorists. As has been said, they can't connect the dots if they can't collect the dots.

While negotiations continue, it is important to look at the two bills that have passed the Chambers. Let me paint a picture, a Tale of Two Bills, if you will. One bill was available for the public to review for over 4 months, went through 2 committees, had 2 weeks of floor debate including votes on 13 amendments, and passed the Chamber with a huge bipartisan veto-proof majority.

The other bill was available for review for 2 days before receiving a vote. It went through no committees, had 1 hour of floor debate, allowed no amendments, and failed to receive bipartisan support, while barely passing the Chamber. Any negotiator would say the first bill in this instance would be the basis for negotiation, not the other way around. I am sure it is no surprise to anyone that the first one I described is the Senate-passed bill.

Make no mistake, I will not support any compromise that disregards the extensive work of the Senate in order to facilitate a quick political fix.

I appreciate those who are standing tall on the FISA bill in both Houses. I hope we continue to do so because our very country is in jeopardy if we do not.

Also, I wish to personally pay tribute and give my gratitude and thanks to the distinguished Senator from North Dakota for his kindness in allowing me to make these remarks out of turn because they are important remarks. I would feel badly if I didn't get on the floor and make these remarks. It was a very gracious thing for him to do.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. CONRAD. I thank my colleague, Senator HATCH. He is always gracious. I also thank him for his words on Senator KENNEDY because we know they have shared a close association in the Chamber for many years.

I also thank him for his leadership on child pornography. It is pretty sick, some of the things that go on. It is almost hard to believe. I saw the slide the Senator from Utah showed about activity on just 1 day of this year, earlier this month. It is almost hard to comprehend. We thank him for his leadership there as well.

Mr. HATCH. I thank my colleague for his kindness. He has always been very gracious and particularly gracious to me.

MORNING BUSINESS

Mr. CONRAD. Mr. President, I ask unanimous consent that we be in a period of morning business, that Senators be permitted to speak for up to 10 minutes each, and that the clerk keep a close count on the time consumed and that this period be for debate only. We are asking colleagues—we do not have a unanimous consent agreement—but we are asking colleagues to confine their remarks to the budget because we have up to 10 hours and, in the interest of getting the work of the Senate done before the break, it will be most effective and most efficient if we can focus our time on that.

I ask unanimous consent that after I am done, Senator GREGG be recognized, that I be allowed such time as consumed and the Senator then be given that same opportunity.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

THE BUDGET

Mr. CONRAD. Madam President, we are now considering the conference report on the budget. For the knowledge of my colleagues, and especially my colleague, Senator GREGG, I will consume somewhere in the range of 35 minutes. If he has other things to do, we can get that word to him so he is not inconvenienced while I make an opening statement.

Here is what we are confronting—a very dramatic deterioration in the budget condition of our country. You can see, in 2007, the official deficit was $162 billion; that is down from what had been record levels. We achieved an all-time—not achieved, there is no achievement to it—we saw an all-time record deficit in 2004 of $413 billion. That became the record. The year before was the record up until that point—$378 billion in the red. Of course, the real situation is far worse because this does not disclose how much the debt has been increased.

Then we saw some improvement, to 2007, a deficit of $162 billion. But now we are right back at record levels—$410 billion estimated for this year. I believe it is going to be even worse, and 2009 will be about the same level.

When I talk about debt, here is what I am talking about. The gross debt of the United States has gone up like a scalded cat under this administration. When this President came into office at the end of the first year, the debt stood at $5.8 trillion. By the time we are done with the 8 years he will have been responsible for, the debt will have increased to more than $10.4 trillion—a near doubling of the debt of the country. Increasingly, this money is being borrowed from abroad. As this chart shows, it took 42 Presidents—all the Presidents pictured here, 224 years to run up $1 trillion of U.S. debt held abroad. This President has far more than doubled that amount in just 7 years. There are over $1.5 trillion of foreign holdings of U.S. debt run up by this President in just 7 years. He has taken what 42 Presidents took 224 years to do and he doubled it and then added another 50 percent to foreign holdings of U.S. government debt. The result is we owe Japan over $600 billion, we owe China almost $500 billion, we owe the United Kingdom a little over $200 billion, we owe the oil exporters over $150 billion. My goodness, we owe Hong Kong over $60 billion. We now owe Russia over $40 billion. That is a sad fiscal record, but that is the legacy of this President's fiscal policy.

This tremendous runup in foreign debt means we have spread dollars all over the world and are now increasingly dependent on the kindness of strangers to finance our debt here. One of the results of that has been a substantial drop in the value of our currency. If you think about it, the value of a currency is in part a reflection of supply and demand. When you put out a tremendous supply of dollars, guess what happens to the value of the dollar—it goes down. That is what has happened.

You can see back in 2002, this is Euros per dollar. It was 1.13 in January 2002. Through the end of last month, we were down to .63. The value of the dollar against the Euro has dropped like a rock. It has dropped 44 percent.

If anybody is wondering why food prices are going up so rapidly, why oil prices are going up so rapidly, here is one of the key reasons. Those commodities are sold in dollar terms in the world market. When the dollar goes down in value, guess what happens to the value of commodities: there is tremendous upward pressure on their value. That is what, in fact, has happened.

We have also seen the economic growth of the country stagnate. You can see, if we look at the nine previous business cycles we have experienced since World War II, you can see that economic growth averaged 3.4 percent a year during previous business cycle expansions. But, if we look at average annual economic growth since the first quarter of 2001, we see it is stagnating at 2.4 percent.

Something is happening in this business cycle that is unlike what we have seen in the nine major business cycles we have seen since World War II. We see this recovery is much weaker. We see it in job creation; we see it in business investment.

For example, on job creation, if you look at job creation, again looking at

the nine previous business cycles since World War II, and you look at the months after the business cycle peak and look at job creation—this dotted red line is the average of the nine other major business cycles since World War II—that is the dotted red line. Now, this other line is the current business cycle. You can see that we are 10.3 million private sector jobs short of the typical recovery since World War II. In other words, if you take all the previous nine major business recoveries since World War II and you average them, compare them to this business recovery, we are running 10.3 million private-sector jobs short in this recovery.

What does that tell us? That tells us something is wrong, something is wrong with our economic performance.

We don't just see it in job creation. We see it in business investment. Again, the dotted red line is the average of the nine previous recoveries since World War II. The black line is this recovery. You can see that we are now running 59 percent below the pace of business investment at the same point during the nine previous recoveries. Something quite significant is happening in terms of our national economy. Anybody who does not see this and understand it and seek to find solutions to it, I think is missing the point. There is something wrong with the underlying economy that has been affecting us since 2001. It is so atypical, it is so different than the other nine recoveries since World War II.

This budget resolution seeks to address some of what we know. It seeks to strengthen the economy and create jobs in several different ways, first, by investing in energy, education, and infrastructure. We think those are priorities to strengthen the economy. It expands health care coverage for our children; it provides tax cuts for the middle class; it restores fiscal responsibility by balancing the budget by the fourth and fifth year of this 5-year budget plan.

It also seeks to make America safer by supporting our troops, by providing for veterans health care, by rejecting our homeland and rejecting the President's cuts in law enforcement, the COPS Program, and for our first responders, our emergency personnel, our firefighters, our emergency medical responders.

In terms of the tax relief that is in this budget resolution, this budget conference report that has come back from an agreement with the House of Representatives, we do the following things. We extend middle-class tax relief, specifically: the marriage penalty relief is provided for; the child tax credit is provided for; and an extension of the 10-percent bracket.

We also provided for alternative minimum tax relief, because we know if we did not, the number of people who would be exposed to the alternative minimum tax would explode from roughly 4 million now to 26 million if we failed to take action.

We also provided for estate tax reform. Right now we are in this bizarre situation where the estate tax goes up to $3.5 million of exemption per person in 2009; the estate tax goes away completely in 2010, there is no estate tax; and then in 2011, it comes back with only a $1 million exemption. We say that makes no sense at all. We should extend the $3.5 million provision per person, $7 million a couple, and index it for inflation.

We also provided for energy and education tax cuts to provide incentives to develop alternative forms of energy and reduce our dependence on foreign oil. We also provided property tax relief and, of course, the popular and important tax extenders, things such as the window energy credit, the solar credit, the research and experimentation credit. All of those are provided for in this budget.

We balance the books by the fourth year, $22 billion in the black, or in this case in the green, by 2012. By 2013 we maintain balance, all the while we are bringing down the debt as a share of gross domestic product from 69.3 percent of GDP to 65.6 percent of GDP in 2013. So we are bringing down the debt as a share of gross domestic product each and every year of this budget resolution. Let me be the first to say, that is not enough. We need to be doing more. I will say in a minute how I think we can and should do more. But this is an important beginning.

One of the ways we do it is we restrain spending. Under this budget conference report, we bring down spending as a share of GDP each and every year of the 5-year plan from 20.8 percent of GDP down to 19.1 percent in 2012 and 2013.

The other side will be quick to say, but you are spending more money than the President is. That is true, we are spending somewhat more money than the President, because we have rejected his cuts to law enforcement, to our first responders, and to other things we think are priorities of the American people.

But when they talk about the difference in spending, they have a tendency to dramatically overstate the difference. Here is the difference between our spending line, which is in green, and the President's spending line. If you are looking at this on television, you probably cannot see any difference. That is because there is almost no difference between our spending line and the President's spending line.

In fact, for this year, the difference in total spending between our budget and the President's budget is 1 percent. That is the difference, 1 percent. Over the life of this 5-year plan, you can see it is a very modest difference.

Let me turn to 2009, because that is the most immediate year covered by this budget plan. You can see the Bush budget calls for $3.03 trillion of spending. We call for $3.07 trillion of spending. Again the fundamental differences are, we are investing in education, in energy to reduce our dependance on foreign oil, and on infrastructure which is so critically important to our future economic success.

On the revenue side of the equation, we also have somewhat more revenue than the President's plan because we have lower deficits and lower debt than the President's plan. Here you can see the difference. The green line is our revenue line; the red line is the President's revenue line. You can see in the first 2 years there is virtually no difference between our revenue lines; they are right on top of each other. In 2011 there is a slight difference, and 2012, 2013, as we climb out of deficit and balance the books.

But again the differences are quite modest, and here they are over the 5 years. We are calling for $15.6 trillion of revenue, the President is calling for $15.2 trillion of revenue. That is a difference of 2.9 percent. That is the difference between the revenue we have proposed, which leads to lower deficits and lower debt than the President's plan.

You will hear our friends on the other side say, this represents the biggest tax increase in the history of the world. We beg to disagree. We do not think any tax increase is necessary to meet these numbers. If someone is listening and they heard me say, well, Senator, you said you have got more revenue, although it is only 2.9 percent more revenue, than in the President's plan, but you say you can do that without a tax increase, how is that? How can you do that?

Well, here is how I would propose to do it. First, the Internal Revenue Service estimates the tax gap, the difference between what is owed and what is paid, is $345 billion a year, the difference between what is owed and what is paid.

Now the vast majority of us pay what we owe. But unfortunately there are an increasing number of people and companies who do not pay what they owe. That difference is now estimated at $345 billion a year. That goes back to 2001. I personally believe it has grown substantially since then so it would be a higher number. But that is not the only place where there is leakage in the system. I have shown this chart many times on the floor of the Senate. This is a five-story building in the Cayman Islands called Ugland House. This little building down in the Cayman Islands is the home to 12,748 companies. Let me repeat that. This little five-story building down in the Cayman Islands is the home, at least they say it is their home, to 12,748 companies. They say they are all doing business out of this building.

Now I have said that is the most efficient building in the world, little tiny building like that, and it houses 12,000 companies. How can any building be that efficient? Well, we know they are not doing business there. They are doing monkey business, and the monkey business they are doing is to avoid

taxes in this country. And how do they do it? Well, they operate through a series of shell corporations, and they show their profits in the Cayman Islands instead of the United States to avoid taxes here. Why would they do that? Do they not have taxes down in the Cayman Islands? No. Is that not convenient? So they do not show their profits here, even though they make their profits here, they show their profits down in the Cayman Islands. That is the kind of scam that is going on. If you doubt it, here is a story that came to us from the Boston Globe on March 6 of this year:

> Shell companies in the Cayman Islands allow KBR [that is Kellogg, Brown and Root] the nation's top Iraq war contractor, and until last year a subsidiary of Halliburton, has avoided paying hundreds of millions of dollars in Federal Medicare and Social Security taxes by hiring workers through shell companies based in this tropical tax haven.
>
> More than 21,000 people working for Kellogg, Brown and Root in Iraq, including about 10,500 Americans, are listed as employees of two companies that exist in a computer file on the fourth floor of a building on a palm-studded boulevard here in the Caribbean. Neither company has an office or phone number in the Cayman Islands, but they claim it is their home.

This is a scam. That is what is going on here. This is the largest defense contractor in Iraq, and they are engaged in a total scam to avoid taxes in this country. If this does not make people angry, I do not know what it would take, because what they are doing is they are sticking all of the rest of us who are honest with our tax obligations. It does not stop there.

Here our own Permanent Committee on Investigations issued this report last year:

> Experts have estimated that the total loss to the Treasury from offshore tax evasion alone approaches $100 billion per year, including $40 to $70 billion from individuals, and another $30 billion from corporations engaging in offshore tax evasion. Abusive tax shelters add tens of billions of dollars more.

So when somebody says: Well, you have got to raise taxes to produce 2.9 percent more revenue than the President has called for, I say, no, you do not. Let us go after some of this stuff. Let us go after these offshore tax havens. Let us go after these abusive tax shelters. Let us go after this tax gap.

Now, the other side will say, well, there is nothing you can do about it. Well, certainly there is nothing you can do about it if you do not try. You cannot do a thing if you do not try. But if you try, you can get this money. Let me say, I know you can, because I used to be the tax commissioner for my State. I was the chairman of the Multistate Tax Commission. I went after this money. I got hundreds of millions of dollars for my little State of North Dakota going after some of these scams. The United States could do much more.

Here is a picture of a foreign sewer system. This is a sewer system that is in France. Why do I put up a picture of a sewer system in Europe when I am talking about the budget of the United States? Well, because the two have a linkage. What is the linkage? The connection is that we actually have investors in this country buying European sewer systems, not because they are in the sewer business, no, no, no. They are buying European sewer systems to reduce their taxes in this country. How do they do it? It is very simple. They go over, they buy a European sewer system, they then show that on their books as a depreciable asset. They depreciate it over a period of years to reduce their taxes in this country, and then lease the sewer system back to the European city or municipality that built it in the first place.

Now, why should we allow that? This is the kind of thing I think we can shut down and easily achieve 2.9 percent more revenue than the President has proposed. The question comes, well, why haven't you done something about shutting down these scams already? There is a very simple reason we have not. It is called the President of the United States. Because the President of the United States has repeatedly blocked attempts to shut down these scams.

Here are a few of the examples. We tried to codify economic substance, prohibiting transactions with no economic rationale, things that were done solely to avoid taxes. The President threatened a veto.

We tried to shut down schemes to lease foreign subway and sewer systems and depreciate the assets in this country. The President threatened a veto.

We proposed ending deferral of offshore compensation by hedge fund managers trying to evade taxes in our country. The President threatened to veto it.

We proposed expanding broker information reporting so we could close down some of this tax gap. The President threatened a veto.

We proposed taxing people who give up their U.S. citizenship in order to evade taxes here in America. The President threatened a veto.

Now, I have indicated, I have acknowledged, we have 2.9 percent more revenue in our plan than in the President's budget.

The other side will say: Biggest tax increase in the history of the world. That is exactly the same speech they gave last year. Now we have the benefit of a record. Because we can look back, we can look at the speeches they gave last year, and we can look at what has actually happened this year. We can see, what did this Democratic Congress do? Did they raise taxes? No. In fact, here is precisely what happened: They reduced taxes in the House and the Senate by $194 billion. They had offsetting loophole closers, for a net tax reduction of $187 billion.

Anybody who is listening can reality test. Just go to your mailbox. Have you gotten a little check from the U.S. Treasury representing a tax cut as part of a stimulus package? Millions of Americans have, and millions more will. That is part of this $194 billion of tax reduction that has occurred with Democrats running both Houses, despite claims of our colleagues on the other side that we were going to have the biggest tax increase ever.

We all know some of the things that are happening in this economy. One is that gasoline prices are soaring. I filled up my car last week. I have a 1999 Buick. I know people think all Senators have limousines and drivers. Not me. I have a 1999 Buick that I drive myself. I filled it up last week, $52.19. The price of gasoline has soared.

In January of 2001, gas was $1.47 a gallon; in May of 2008, $3.79. We are hearing by Memorial Day gas average $4 nationwide. We have addressed that in this budget by investing in energy, creating green jobs, reducing dependence on foreign oil, and strengthening the economy.

We have provided for energy tax incentives in this budget. We have provided for $2.8 billion over the President's budget for energy to provide for alternative sources of energy, homegrown sources of energy so we are less dependent on foreign oil. We have also created an energy reserve fund to invest in clean energy and the environment. But we know skyrocketing gas prices are not our only problem.

We also know if we look at what is happening to education, we are falling behind our global competition. This is one metric to look at that, the number of engineering degrees in China and the number of engineering degrees in this country. The red line is China's engineering degrees. You can see they are absolutely soaring. There are over 350,000 a year graduating as engineers in China. In this country, we are down here at about 75,000 engineering graduates. Engineering is critical to future economic growth. We know that. So that has to be a concern. Here, China is now graduating 350,000 engineers a year; we are in the 75,000 range. That is something we have to pay attention to. Obviously, I have used one example. There are many others.

This budget resolution invests in education to generate economic growth and jobs, to prepare our workforce to compete in a global economy, to make college more affordable, and to improve student achievement. We have provided for education tax incentives to encourage people to go to college. We have provided $5.5 billion over the President's budget in discretionary funding for education, and we have created an education reserve fund for school construction and for the reauthorization of the higher education legislation.

It doesn't stop there. We also have serious infrastructure issues in this country. Here is a picture of the dramatic collapse of the bridge on 35–W between Minneapolis and St. Paul last year. I am acutely familiar with this bridge because when my wife was in

medical school, I went across that bridge many times a week. Can you imagine the absolute horror of the people who were on that bridge? Here are the cars of people who were on that bridge when it fell out from underneath them. This was at rush hour last year, one of the most heavily used bridges in the State of Minnesota.

This budget seeks to address infrastructure by providing targeted investments to repair crumbling roads and bridges, improve mass transit, expand airports and schools. It creates a reserve fund to allow for major infrastructure legislation. It provides $2.5 billion more than the President for key discretionary transportation accounts. It fully funds highways, transit, and increases funding for the Airport Improvement Program.

This budget resolution also deals with other critical national priorities, including fully funding the defense requests of the President. The President has asked for $2.9 trillion over the next 5 years. This budget provides $2.9 trillion. We also provide $3.3 billion more for our veterans health care than the President. The President has called for $44.9 billion over a 5-year period. We have adopted the independent budget, which is a budget that was put together by the veterans organizations to more fairly reflect the needs we see coming because of veterans coming back from Iraq and Afghanistan. We have allocated $3.3 billion more than the President for that purpose. We think we owe these veterans the high-quality care they were promised.

All of us who have been to our VA hospitals, who have been to Walter Reed, are acutely aware of the need for more investment in those facilities. We have also provided in this budget, in fiscal year 2009, $2.8 billion more than the President's budget for law enforcement and first responders. Inexplicably, at least to this Senator, the President has called for the complete elimination of the COPS Program. The COPS Program has put 100,000 police officers on the street, over 200 officers on the street in my home State of North Dakota. The President, in his budget, didn't just call for cutting that program. He called for its total elimination. It makes no sense to me. I just had my house here broken into while I was back home during the break. I have a fellow who rents from me in the basement. He came home from work and our place had been broken into. The place was totally trashed. Many of his things were stolen. Why we would take police off the street when, in jurisdiction after jurisdiction, we are facing heightened criminal activity doesn't make any sense.

I am getting to the end. I know my colleague has been riveted listening to me talk about these charts. He has only had a chance to see them maybe 12 times. I thank him for his patience.

We also have budget enforcement in the budget resolution, discretionary caps for 2008 and 2009. We maintain a strong pay-go rule that I know my colleague will probably want to comment on. We also have a point of order against long-term deficit increases, a point of order against short-term deficit increases. We allow reconciliation for deficit reduction only. I know this is a place where my colleague will agree. I am sure he is pleased that we don't have a reconciliation instruction in this conference report for any other purpose, and we have no reconciliation instruction for any purpose.

We also have a point of order against mandatory spending on an appropriations bill. Again, this is something the Senator will strongly support because we have seen the games that were beginning to be played when the appropriators figured out they could start to do that. We tried to shut it down or at least to create a budget point of order, maintain a budget point of order to prevent that practice from expanding.

The budget conference report also addresses long-term fiscal challenges. I don't want to overstate this because, the truth is, I don't believe an annual budget resolution is the place to deal with the long-term fiscal challenges facing the country. The annual resolutions tend to be done on a partisan basis. Our fiscal challenges are so big, so deep, my own conviction is this has to be done with a special process, a special procedure.

The Senator, who is the ranking member of the Budget Committee, and I have teamed up to offer our colleagues legislation that would create a bipartisan task force that would be responsible for coming up with a plan to deal with our long-term challenges, our fiscal challenges, the imbalance between spending and revenue, and the overcommitments we have made on the entitlement programs.

The proposal we have made is very different from what others have made because our proposal would require a vote in the Congress, not another commission report that sits on a dusty shelf somewhere. That is not going to cut it. We need a plan. We need a plan that is bipartisan. We need a plan that gets a vote. The Senator and I have a plan to do that.

While we are getting ready for that process to occur—and I hope it will—we have provided for a comparative effectiveness reserve fund to deal with health care, a health information technology reserve fund—the Rand Corporation has told us we could save $80 billion a year if we had information technology widely deployed in the health area, program integrity initiatives to crack down on waste, fraud, and abuse in Medicare and Social Security, and a long-term deficit point of order to guard against legislative initiatives that would increase the long-term deficit.

Finally, as I mentioned, Senator GREGG and I have a proposal to address these long-term imbalances, a panel of lawmakers and administration officials with an agenda of everything being on the table, with fast-track consideration, and a requirement that Congress must vote. If the members of this task force, at least a supermajority of them, were to agree on a plan, that plan would come to Congress for an assured vote and a further assurance that there would be a bipartisan outcome because we would require not only a supermajority of the task force to report a plan but a supermajority in Congress to pass it as well.

Before surrendering the floor, I thank Senator GREGG for his many courtesies and the very constructive way that he has helped run the Committee on the Budget throughout this year. He is a gentleman, a person of honor whose word is gold. I deeply appreciate that. I also appreciate very much the professionalism of his staff.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, first, I thank the chairman of the committee, the Senator from North Dakota, for his generous comments and reciprocate by saying it is a pleasure to work with him. Obviously, we have disagreements or we wouldn't be in different parties. That is the purpose of democracy. You have disagreements and reach some conclusion that, hopefully, is constructive for all.

The budget, unfortunately, tends to be a uniquely partisan statement of a party's political positions. Therefore, it is more difficult to reach agreement, especially when the Congress has both Houses of the same party. But that doesn't mean you can't do it in a cordial and, hopefully, constructive way, have your disagreements, and make your points.

I appreciate that the Senator from North Dakota has always been cordial and professional and constructive, as has his staff, to say the least.

I don't want to start off with too much hat tipping to the Senator from North Dakota; I don't want to get carried away. Let me simply say this: It is important that the Congress have a budget. It is uniquely the Congress's responsibility to have a budget. Although the President's budget gets soundly beaten about the ears here, the President's budget is not a factor in the sense that it is part of the congressional budget process.

The congressional budget is uniquely an entity of the Congress. The Congress passes it. It does not go to the President for his signature. The elements of the budget which are most important, such as the allocations to the Appropriations Committee, such as reconciliation instructions, are uniquely the purpose of the Congress as a way of giving a blueprint and defining spending and tax revenues within the fiscal policy of the Congress.

The Congress retains, under the Constitution, the right to the purse strings, and the budget is an element of exercising that right. So although the

President sends up a budget under the Budget Act, that budget rarely, if ever, becomes law. I am not aware it has ever become law. It is simply a point for discussion. When you have a Democratic Congress and a Republican President, it tends to be discussed less other than in opposition by the Congress.

So this budget is totally the responsibility of the Democratic Congress. It is passed by the Democratic membership of the Congress, not by the Republican membership of this Congress, and the President's input is at the margins, to say the least. But it is important there be a budget. Even though I may strongly disagree with it, I do think it is the responsibility of the Congress to do a budget.

Thirdly, as a note of appreciation, I do thank the Senator from North Dakota for his insistence that reconciliation instructions not be included in the bill. Reconciliation is an extraordinarily strong hammer which is contained within the Budget Act which allows basically the Budget Committee to, hopefully, control the expansion of entitlement programs. Unfortunately, last year, it was used to expand Government, not to control the rate of expansion of Government, and that was a mistake, a serious mistake that undermined, in my opinion, the integrity of the act. I am glad we are not doing it this year, and I appreciate the Senator from North Dakota insisting on the Senate position on this issue.

To address the budget specifically, this budget, as it is brought forward by our colleagues, by the Democratic membership, is a ''back to the future'' budget. You hear Senator OBAMA say he wants change. Well, this is ''back to the future'' change. It is essentially a restatement of things which always happens under a Democratic Congress. It says: Yes, we can raise taxes and a lot of taxes. It says: Yes, we can increase spending and a lot of new spending. It says: Yes, we can run up the debt and a lot of new debt. It says: Yes, we will not address entitlements and the fact that entitlement spending is a major threat to our fiscal integrity.

It is a ''back to the future'' budget. The term ''tax and spend'' exists. It may be trite, but it exists because it is accurate. This budget has the largest increase in taxes in the history of the world. It has one of the largest increases in spending. It has a $500 billion increase in entitlement spending, a $200-plus billion increase in discretionary spending. The debt goes up $2 trillion under this budget. And it is on the watch of the other party. Those are policies of the other party that are being put in place, and they are not good policies. They are not healthy. They are not constructive for the American people.

The budget, as I outlined, has the largest increase in taxes in the history of this world, especially this country, and it has an impact on working Americans. You hear a great deal, especially from Senator OBAMA, who is the presumptive nominee now of the Democratic Party after last night, that he is going to raise taxes to pay for all his programmatic activity, but he is only going to raise it from the wealthy.

Well, this budget does not assume, to begin with, most of the proposals by Senator OBAMA to spend money, but it does assume a tax increase. It assumes a $1.2 trillion tax increase, and that tax increase cannot be paid for only by wealthy Americans. If you take the top tax rate in America, and you raise it back to the top tax rate under the Clinton years, which would be 39.5 percent, every year you will add $25 billion of new revenue to the Federal Government, assuming people do not try to avoid taxes and reduce their tax liability, which wealthy people tend to do because they get accountants to show them how to do that. Well, that does not come anywhere near covering the additional taxes which are proposed in this budget, the $1.2 trillion—the $25 billion a year.

No, it is the families who are going to pay that. Forty-three million families in America will be hit under this budget, in the year 2011, with a tax increase of $2,300 or more. Those are working families, by the way. A family of four making $50,000 will have a $2,300 tax increase.

Seniors. Eighteen million seniors under this budget, in 2011, will see a $2,200 tax increase. Small businesses—the engine for economic activity, the engine for jobs in this country—27 million small businesses will see a $4,100 increase. There will be 7.8 million people brought onto the tax rolls who were taken off the tax rolls by President Bush. These are low-income individuals who no longer have to pay taxes as a result of the tax policies of the early 1980s. Those tax policies, by the way, worked. They worked. Yet there is tremendous opposition around here from the other side of the aisle to continuing those tax policies, as this budget points out.

The capital gains—I think we have a capital gains chart in the Chamber—the capital gains revenues during the last 4 years have jumped dramatically—dramatically—as a result of getting a capital gains rate which Americans feel is fair and are willing to pay. In fact, over $100 billion has been collected in the last 4 years from capital gains—$100 billion—more than was expected to be collected by the Congressional Budget Office.

Now, why is that? Why, when we cut the capital gains rate down to 15 percent, did we get more revenue? Well, as I have said before on the floor of the Senate, it is called human nature. If you say to somebody: We are going to give you a fair tax rate on your capital gains income, people will do things that generate capital gains. People do not necessarily have to do anything to generate capital gains. If you own a stock or you own a home or you own a small business and you feel the capital gains rate is too high, you would not want to sell that stock, home or small business because you would not want to pay all that money to the Government. But if the Government sets a fair capital gains rate—15 percent—then you say: All right, I will pay that tax in order to turn over that stock, in order to sell my business, in order to sell my home. I am willing to take that tax rate.

So people go out and they do things which generate economic activity. They generate capital gains. That generates revenue to the Federal Government. That is what has happened here. We have generated significant amounts of revenue we did not expect because people were willing to undertake activity which was taxable.

It has a second very positive effect, besides getting a lot of revenue in the Federal Government. A low capital gains rate—a reasonable capital gains rate—causes people to invest their money more productively. They go out and they take risks. Entrepreneurs take risks. Job creators take risks. Small businesses are started and jobs are created as a result of money being invested in a way that generates more jobs. It generates more activity, more entrepreneurship, more jobs.

This bill assumes the capital gains rate will be doubled. This bill assumes the rate on dividends may be more than doubled, depending on what your bracket is. This bill is a massive tax increase on working Americans and seniors. By the way, it is senior citizens who take the most advantage—and that is logical—of capital gains and dividend income. Most seniors have a fixed income. It is a dividend income. It usually comes from a pension they are getting or they invested in while they were in their working years or they have a home they sold, so they have a capital gains.

So the idea in this bill, which is to end the capital gains rate as it presently exists and raise it and to end the dividend rate as it presently exists and doubling it, that idea is going to disproportionately hit senior citizens. It is not going to raise the revenue that is projected in the bill because people are going to take tax-avoidance action.

But because of the way CBO scores things—it is static around here; there is no dynamic scoring—they claim this is going to raise all this revenue. It will not. But the fact is, those tax increases will slow this economy and damage working Americans and working families, as was shown by the prior chart. That is not fair.

Now, my colleague on the other side of the aisle will argue—and he argues all the time—that, no, we are not going to have a tax increase, even though the tax increase in the bill is the exact amount of money that CBO scores the ending of the capital gains rate and its increase and the ending of the dividend rate and its doubling—the exact amount of money that generates by CBO scoring.

So CBO at least is presuming, and the Democratic Party in setting forward this budget is taking advantage of, revenues that are expected to come from a significant increase in capital gains rates, dividend rates, and general rates. But we hear from the other side: Oh, we don't have to do that. We don't have to do that. They try to fudge this issue by claiming: We are going to collect this all from the tax gap.

As to the tax gap—the Senator from North Dakota probably went on for 15 minutes showing us buildings here and buildings there and subway systems here and subway systems there. Well, do you know something. We had testimony which totally rejects that. The Commissioner of the IRS came in and said: You couldn't possibly collect the type of dollars that are represented in this bill in tax increases from closing the tax gap. You can claim it in theory, but it will not happen in practice. This canard, so to say, has been used for years—years.

In 1987, the Senator from North Dakota said: I pound away at the need for a share. He said: That includes the tax gap between what is owed and what is paid. He said that in 1987.

In 1990, he said: It is both fiscally irresponsible and insulting to the vast majority of honest taxpayers in this country if we fail to tap this revenue from those who have not complied.

Then again, last year, he said: If we collect 15 percent of the tax gap, it would be over $300 billion, and that alone would come close to meeting the revenue needs under our budget.

That was last year's budget, by the way. How much did they collect from the tax gap? Zero. How much did they collect from the tax gap in 1987, when he first made this statement? Zero. How much did they collect in 1990, when he made the statement again? Zero. Throughout the 1990s, through the 2000s, the tax gap is not being closed.

In fact, instead of being closed, last year, they cut the funding to the IRS, those elements of the IRS who would most logically be people who would go out and collect extra money if it was owed. So this whole tax gap thing is nice rhetoric, but it has no substance, and it is not defensible on its face in light of the numbers in this bill. What is in this bill is the largest increase in taxes in the history of this country—$1.2 trillion.

Now, there is, in addition, the issue of the debt. The Senator from the other side is fond of pointing to the President, saying: He has increased the debt this much, he increased the debt this much. Yes, the debt has gone up significantly. I do not like that. Nobody likes that. But you cannot wash your hands of it when you produced the budget last year that added $200 billion to the debt—well, $400 billion it was going to add to the debt. I am sorry. I misstated. Over $400 billion will be added to the debt for the first Democratic Congress's budget—$400 billion. This budget presumes another $370 billion to that debt.

So this wall of debt chart—yes, the President of the United States, because he put forward budgets that increased the debt, deserves some significant responsibility here, but so do our colleagues on the other side of the aisle who are producing this budget. There is $2 trillion of new debt added to the wall of debt under the Democratic budget.

You could reduce that. You could reduce that by not spending so much money, which gets us to the next point. The spending in this bill goes up significantly. We passed the trillion-dollar threshold—$1 trillion of discretionary spending—in this bill.

Now, I suggested—and I agree it would maybe be a statement more of an attempt to make a point than a substantive event, but I suggested we set spending limits in this bill which would keep discretionary spending under $1 trillion. That would have meant that instead of increasing spending in this bill, as the Democratic proposal does, by $24.5 billion next year—which, by the way, is the 1-year number that goes up over 5 years and represents over $200 billion in new discretionary spending—they would have only been able to increase spending by $10 billion and then they would have stayed under the $1 trillion limit. But they couldn't even do that. I mean the desire to go out and spend is a genetic effect; it is a genetic existence in the Democratic position. That is why we have different parties. They believe the Government is better when it is bigger. They believe the Government is better when it takes your money and spends it. They believe Government knows how to spend your money better than you do and therefore, when they are in control—which they are and which they have been—they significantly raise your taxes and they significantly increase spending.

This budget isn't any different. As I said, it is back to the future. Is this change? It is change that takes us back to where we were when we had the last Democratic Congress. Significant increases in spending, and the budget doesn't even account for most spending which we know is coming down the pike which has already been signed on to by the majority of this party on the other side of the aisle.

For example, we have pending in the wings later today or tomorrow a supplemental that is going to add spending in the area of unemployment insurance of $15 billion, spending in the area of veterans of $54 billion. We have a farm bill coming at us that is a $300 billion bill. We have an AMT fix which this budget claims to pay for, but which we know won't be paid for, of $70 billion. The numbers go up and up and up and up, the debt goes up and up and up and up, the spending goes up and up and up, and the taxes go up and up and up. There can be no denying that. It is the way it is. I understand there is a difference of opinion, but I think it ought to be admitted to by the other side. There shouldn't be an attempt to obfuscate it by claiming we are going to get taxes from the Oz somewhere behind the curtain. The tax revenues are going to come out of working Americans. It shouldn't be claimed we are going to generate a reduction in spending when we are generating an increase in spending, and a fairly significant one. The other side of the aisle holds up this chart and says there is no real difference between the President's number and our number. ''Ours is a 1 percent difference.'' But 1 percent on $3 trillion is $300 billion. I don't know where they come from, but $300 billion is a huge amount of money—a huge amount of money.

Mr. CONRAD. Would the Senator yield on the math?

Mr. GREGG. I would yield.

Mr. CONRAD. I say to the Senator a 1-percent difference is a 1-percent difference, whatever the denominator is. One percent is a very small amount of money. I think the Senator would acknowledge that 1 percent difference is—

Mr. GREGG. I reclaim my time then. The point is I don't consider $300 billion a small amount of money. Now, maybe it is a small amount of money in North Dakota, but I do know that $300 billion would run the State of New Hampshire for I think approximately 10 years. Maybe it would only run the State of North Dakota for a couple of years, because I know you have big budgets up there, but I think it is a lot of money, $300 billion. So that is—

Mr. CONRAD. Would the Senator yield for one more moment on the numbers? One percent of $3 trillion, I think the Senator would acknowledge, is not $300 billion, it is $30 billion?

Mr. GREGG. Well, Madam President, I am happy to reclaim my time. Thirty billion dollars is a lot of money in New Hampshire. It would run the State for 10 years.

Mr. CONRAD. But would the Senator acknowledge that the $300 billion that he referenced is simply not accurate.

Mr. GREGG. No, I wouldn't, because $300 billion is a 5-year number. But I thank the Senator for making it clear that he agrees with the fact that $30 billion is a lot of money. Maybe he doesn't agree that $30 billion is a lot of money. I think $30 billion is a lot of money.

Mr. CONRAD. I would say—

Mr. GREGG. I have the time, Madam President. I have the time.

So we are talking about big dollars, real dollars and lots of new spending. Under any scenario, we are talking a number which is going to drive large tax increases not only next year but in the outyears for working Americans in this country, and it is not right to do that to them, in my humble opinion—well, in my opinion. It is not necessarily humble. I apologize.

There is another point here that needs to be made, which is there is a claim in this budget that they have put

in some sort of enforcement mechanisms called pay-go. They keep returning to pay-go as an enforcement mechanism. To begin with, they have waived pay-go, adjusted pay-go or manipulated pay-go on at least 17 different occasions for well over $175 billion in new spending. Pay-go is only used as a vehicle to try to increase taxes. If somebody wants to cut your taxes, they will claim pay-go and you have to increase somebody else's taxes to do that. But when it comes to spending around here, as we saw with the farm bill that rolled through here, pay-go has no relevance at all. It is adjusted by changing years. It is adjusted by moving numbers around. It is adjusted by, as in the SCHIP bill, artificially ending a program when you know the program is not going to end. It is scammed. So there is no credibility to claiming pay-go is in this bill.

Furthermore, real pay-go isn't even in this bill. Real pay-go says you match the year of the spending to the year of the cost, the year it is going to be offset against. This bill doesn't do that. The first year of pay-go under this bill—- you can claim you are going to offset a new spending program in the fifth year under this bill. So you game that system right to the end.

Then there is the alleged tax proposal in this bill—the Baucus amendment, as it is referred to. Well, we went through this exercise last year. The Baucus amendment was brought forward last year and the other side of the aisle put out a lot of press releases claiming they had extended the tax cuts within the Baucus amendment which included things such as the childcare tax credit and the spousal marriage penalty and I think R&D tax credit. They did a lot of press on that and there was a great deal of fanfare after they took the vote on the budget that claimed they were going to pass a bill which would accomplish these tax cuts, extending them. Where is the bill? Where is the bill? It never passed. There were no extenders passed. The whole amendment turned out to be a fraud. So they—well, it worked so well last year with the press release, they have done it again this year. They have done it again this year. They have claimed they are going to pass those extenders, which they didn't do last year, and they may do it this year, I don't know. I haven't seen anything yet that implies to me they are going to do it. But if they did do it, just to make darn sure that it actually never had any serious effect, they put language in the bill which basically creates a Rube Goldberg system where they take back the tax deductions if a deficit occurs. Well, they know a deficit is going to occur because they have already put in place spending initiatives which exceed the alleged surpluses they have in this bill. Just the veterans benefit we are going to vote on tomorrow theoretically, and which will pass here at some point, is going to knock out the alleged surplus. So all of these alleged tax extenders which theoretically they are going to pass and at least they are going to put press releases out on are not going to occur, because they put language in this budget which says if there is a deficit, those tax extenders are recaptured, and they end. They come to an end.

So this budget is obviously, from our point of view—and it is our point of view. It is not their point of view. I don't argue with the fact that they believe they have put together a great budget. I mean in their mind, in the mind of the person who believes we should dramatically expand the size of government, dramatically increase taxes on the American people, this is a heck of a good budget. I don't argue with that. But from our perspective, when we think Americans should keep as much of their tax dollars as we can leave them with, because it is their money and they will spend it better, and they are more efficient using it than we are—we should keep a low capital gains rate; we shouldn't penalize seniors who have dividend income as their main source of income—from our perspective, this budget has the wrong priorities because it raises the taxes on capital gains and raises the taxes on dividends significantly.

In addition, it has the wrong priorities because it expands spending significantly—$500 billion in new spending and entitlements. Remember: Probably the biggest threat we face as a nation—fiscal threat—in fact, the biggest threat after, in my opinion, the threat of Islamic fundamentalism and the terrorists using a weapon of mass destruction against us—is the impending economic meltdown of this country as a result of the burden that our generation, the baby boom generation, is putting on the next generation through the entitlement accounts. There is $66 trillion of unfunded liability, $66 trillion—a huge number. Nobody knows because it is hard to define what $1 trillion is. But if you take all the taxes paid since the beginning of this Republic—I think you are talking about something like $37 trillion—and if you take all of the net worth of the American people—all their cars, all their homes, all their stock—and add it together, you come up with something like $45 trillion.

So we have a liability on our books which involves three programs—Social Security, Medicare, and Medicaid—that exceeds the net worth of the Nation and exceeds the amount of taxes paid in this Nation since we began as a nation. That is a huge problem for us. You have to start to address it.

One of the good things the President's budget did was suggest a couple of ways to address it. In fact, he sent up a proposal which would take about 20 percent of this problem as it relates to Medicare, which is the biggest part of the $66 trillion, and would have made Medicare 20 percent less insolvent—which is a big number, by the way. That was a big step. The proposals he sent us had no impact on the vast majority of beneficiaries—no impact at all. He suggested that wealthy Americans such as Warren Buffett, for example, qualify for the Part D premium under Medicare, under the Medicare drug program, or some other extraordinarily wealthy person, should pay a fair share—not all, but should pay a fair share of the cost of the premium of their drug program. That was a reasonable suggestion. What happened to it? It was rejected by the other side of the aisle.

The President suggested that we use IT and disclosure of performance at different levels that medicine integrates with the patient so people could make more intelligent purchasing decisions, so employers and insurers could make more intelligent decisions but, more importantly, Medicare could. What happened to that idea? It was rejected by the other side of the aisle.

The President suggested we should do something about the runaway cost of malpractice, about the trial lawyers essentially running up extraordinary costs on health care providers, especially doctors, and that we should do something to limit that. It is a reasonable suggestion rejected by the other side of the aisle.

How much entitlement saving is in this bill? Zero. Zero entitlement saving is in this bill. Here we are facing probably the most significant fiscal issue of our time and we do nothing about it in this budget. In fact, under the present law, we as a Congress are required by something called the Medicare drug trigger to adjust Medicare spending to bring it down under what is known as a trigger level. It is a technical point, but Medicare Part D premium isn't supposed to exceed 45 percent from the general fund. And we have now gotten a directive from the trustees in the Medicare trust fund to act, and it would cost not a large amount of money in the context of this entire budget—$1.3 trillion.

Mr. CONRAD. Billion.

Mr. GREGG. Billion, thank you. Billion. I got into my trillions. It would cost $1.3 billion to correct this. That proposal is nowhere in this budget; nowhere in this budget. It is hard to believe we couldn't even do $1.3 billion when we have been directed to do it, when we passed the law. It was our law that said we would do this if this problem occurred. Yet the courage isn't there to do even that in the area of entitlements, which is truly irresponsible, an act of malfeasance by the Congress. So entitlement spending remains unaddressed.

Interestingly enough, I heard Senator OBAMA on the stump a couple of days ago—maybe it was a week ago—talking about how he was never going to allow anything to happen to the Social Security recipient or the Social Security trust fund. It is that type of language which absolutely guarantees our children are going to get a bill here that they can't afford, that our generation, the largest in the history of the

country, which will double the number of retirees, is going to basically put a weight on our children and our children's children that will make their lives less enjoyable than ours because they will not be able to afford the dollars it costs to support our generation and still be able to buy their homes, send their children to college, and buy their cars because of the tax burden generated by the entitlement costs.

So that irresponsibility is permeated in this budget when it does nothing on the issue of entitlements. Speaking of Senator OBAMA, I am entertained by the fact that this budget, which will have three-fourths of its life under the next President, must assume that the next President will not be Senator OBAMA because he has proposed $300 billion of new spending—$300 billion—in the first year of his Presidency. He proposed 187 new programs. We can only score 143 of them because the other ones were not specific enough. But if you score 143 of them, they add up to $300 billion of new spending just in the first year.

As I said earlier, Senator OBAMA said he is going to pay for this by taxing the wealthy. That is what he said. But if you look at this budget, they have already spent that money. This budget already assumes the wealthy are going to be taxed. The $1.2 trillion tax increase in the budget assumes the top rate in the 2010, 2011, and 2012 period jumps back to President Clinton's level of 39.5 percent. So the budget, which already is projecting deficits in the $400 billion range, already presumes inside of it, as it is presented here, a jump in the top marginal rate, which is the rate on the richest Americans. That money is already spent. It was spent when the other side of the aisle decided to increase entitlement spending by $500 billion under this budget and increase discretionary spending by close to $300 billion under this budget. So where is he going to find the money to pay for his $300 billion of new programs? I don't know. But one thing is pretty obvious: We are going back to the future with enthusiasm. Yes, we can raise taxes and, yes, we can raise spending; that will become the theme not only of this budget but future budgets should we have a Democratic President and a Democratic Congress.

This budget really doesn't do much to address the issues the American people need to have addressed. Those issues involve, No. 1, doing something on the issue of entitlements; No. 2, maintaining a tax law which creates productivity, which energizes entrepreneurship and says to small business people, go out and create jobs; No. 3, disciplines our fiscal house by containing discretionary spending under a trillion dollars.

Those are not really that dramatic or that heavy a lift to undertake. There is no reason we could not keep spending under a trillion dollars on the discretionary side, no reason we could not have taken the small steps, like asking wealthy people to pay a bigger part of—or any part of—their Part D drug premium. There is no reason this budget could not have contained within it some initiatives which would have controlled discretionary spending and would have continued to promote the tax policy we have seen for the last 3 years, which has generated a massive increase in revenues for the Federal Government, especially from capital gains.

Another course that was chosen—the course that is circular—goes back to the way we did things in the past when we had the last Democratic Congress. That course said you have to raise taxes because the American people don't know how to spend their own money, so we have to do it for them. It is a course that says the Government should always grow, and grow fast. There is nothing in the Government that should be reduced. It is a course that says we should add to the Federal debt at a radical rate. It is a course that says we should ignore real problems—the biggest problem we have, which is entitlement spending.

I want to put in one footnote because I think it sort of encapsulates the whole discussion about discretionary spending. The Senator from North Dakota got up and said we had to keep the COPS Program, which was a great program, and put cops on the street. There isn't one program that their budget proposes that we eliminate on the discretionary side that I found. Everything either gets increased or is maintained.

The COPS Program is uniquely appropriate to be eliminated. Why? Don't listen to me. Listen to President Clinton. He created the COPS Program, and he created it with this caveat: This will be a 3-year program.

That is what President Clinton said—that when we get to 100,000 police officers on the street as a result of this program, this program will be terminated. That was the program that was proposed. Not only did we get the 100,000 police officers on the street—because I chaired the committee of jurisdiction at that time—we put 110,000 new police officers on the street using Federal funds. Then, following on the suggestion of what the original program was, and following the edict of President Clinton, we started to phase out that program. It should have been completely phased out. That was 8 or 9 years ago that we hit what the number was under this Federal program. The program is still here. It is a classic example of how programs work. Once they are in place, the interest groups that support them demand that they stay in place forever. Obviously, we all believe police officers do a great job. We admire them, respect them, and they protect us. But this program fulfilled its obligation. It did what it said it would do, and it worked. It should have been terminated, just like President Clinton suggested.

Now, the other side of the aisle, 8 to 9 years after that event, is still claiming this program has to be kept and grown. That is the difference between our parties. We think when somebody puts in a program that says it will last 3 years, with certain goals, and those goals are met and the 3 years are over, the program should be ended and the American taxpayer should get to keep the money from ending that program.

The other side of the aisle thinks we should continue the program forever, grow it, and take money out of the American taxpayers' pockets to pay for something on which we have already fulfilled the responsibility. That is the difference. It is a fundamental difference between our parties. They are in the majority. They have the right to write a budget however they want it. They have done that. It is a budget that has the world's largest tax increase, has significant increases in spending, significant increases in entitlement spending, crosses the trillion-dollar line on the discretionary side, does nothing about containing entitlements, and plays games with enforcement mechanisms relative to the budget. We would not have written this budget. That is why we are opposed to it.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Madam President, I am delighted that our colleague talks about our fiscal record and theirs. He talks about circling back to the policies when the Democrats controlled the White House. He is right that there is a difference. The difference is that when the Democrats last controlled the White House, we had record surpluses, and we were paying down the debt. Under the current President, we have record deficits and record debt.

I am delighted to talk about the record because here is their record: In each of the last 3 years of the Clinton administration, we had achieved a budget surplus, we were paying down the debt, and the CBO was projecting that the budget would remain in surplus for years to come. By the time the Bush administration came into power, we had achieved three consecutive years of surplus and were expecting more. But, the Bush administration squandered every dime. By the time this President is done with his responsibility, they will have run up the debt from $5.8 trillion to over $10 trillion. That is the difference in the record. Under the last Democratic administration, we ran surpluses and paid down the debt. Since then, under the Bush administration, the Nation has been beset by record deficits and record levels of debt. That is a fact.

Now, my favorite quote of my colleague on the other side—first, let me say I have respect for the ranking member. I have affection for him, and we are friends. But we have a big divide when it comes to fiscal policy. I think the policies of this administration have been reckless. I think they have dug an enormously deep hole for this country.

I think the factual record is very clear on the differences between our two parties. Under President Clinton, we achieved record surpluses, and we were paying down the debt. Under President Bush, the Nation was plunged right back into record deficits and debt. That is a fact.

But the thing I enjoy most about my colleague's speech is how similar it was to the speech he gave last year. This is what he said last year:

It includes, at a minimum, a $736 billion tax hike on American families and businesses over the next 5 years—the largest in U.S. history.

The only difference is that now he is saying this budget is the largest tax increase in the history of the world. We can now go back and look at the factual record about what our budget did that was put into place last year.

Did it increase taxes? Did it increase them by the largest in U.S. history, as he asserted last year? Well, let's look. Here is the record—not a speech but the factual record. We had Democrats controlling the House and the Senate, and the assertion last year by the Senator from the opposite party was that there would be the largest increase in the history of the United States. But what happened? Was there the largest tax increase in the history of the United States? No. Was there a tax increase? No. Was there a tax reduction? Yes. Here it is: Tax cuts enacted, $194 billion; offsets and closing loopholes, $7 billion; net tax reduction, $187 billion.

Now, that is the fact. So much for speeches and for hyperbole. Let's deal with facts.

Debt: The President's budget has $83 billion more of debt than the budget we have offered from our side. The Senator questions the Baucus amendment, which is included in this budget, that extends key middle-class tax cuts. That is included in the conference report. We provide $340 billion of tax cuts in this budget.

What is he talking about, the biggest tax increase? There is no tax increase in this budget. None. Zero. There are $340 billion of tax reductions for the middle class in this country who deserve it.

The Senator says: Why haven't they presented a bill, because they had the Baucus middle-class tax cut extension in last year? Why haven't we? Because, as the Senator well knows, those tax cuts are in place until 2010. We didn't need to take action last year. We don't need to take action this year. Those tax cuts are in place now. But in this 5-year budget, we have provided for their extension because we know they run out in 2010. But there is absolutely no need to have taken the action to extend them last year or this year because they are already in place.

Let's deal with facts. The Senator talks about BARACK OBAMA'S budget. BARACK OBAMA doesn't have a budget. BARACK OBAMA is not the President of the United States. He is asserting he has $300 billion of spending increases. I notice he didn't say anything about the McCain budget because while JOHN MCCAIN is not the President, either, he has proposed $3 trillion—not $300 billion but $3 trillion—of additional tax cuts, and we already can't pay our bills. We already are borrowing hundreds of billions from China and Japan. So apparently the McCain plan is to borrow some more money from China and Japan. That is what the party of the other side has become, a party of borrow and spend—they've spent $600 billion so far in Iraq with no end in sight, and they've borrowed so much that the debt will have increased from $5.8 trillion to $10.4 trillion by the time this President is done.

Then there is one other item to which I need to respond, and that is on the question of the pay-go. The Senator says that pay-go is meaningless. What is it? It requires that if there is new mandatory spending or new tax cuts, they must be offset. That is pay-go.

The Senator used to support pay-go. This is what he said in 2002:

The second budget discipline, which is pay-go, essentially says if you are going to add a new entitlement program or you are going to cut taxes during a period, especially of deficits, you must offset that event so that it becomes a budget-neutral event. . . . If we do not do this, if we do not put back in place caps and pay-go mechanisms, we will have no budget discipline in this Congress and, as a result, we will dramatically aggravate the deficit which, of course, impacts a lot of important issues, but especially impacts Social Security.

The Senator was right in 2002, and, in fact, his prediction came true because his party abandoned pay-go, drove up deficits, drove up debt, and we are the worse for it as a nation.

If you wonder about pay-go, here is the record. We had strong pay-go in effect between 1993 and 2000. The deficit was reduced each and every year between 1993 and 1997 and, by 1998, we actually got into surpluses, as I indicated before, which rose in each year through 2000. Then our friends on the other side took charge of the White House. They immediately weakened pay-go, and we plunged right back into deficit. We put pay-go back into effect, and we are starting to dig out of the very deep hole they have dug.

On the issue of pay-go being waived, pay-go has been raised 16 times; pay-go has been waived once—once.

The Senator says pay-go is not working. I disagree. Excluding the alternative minimum tax provisions that were put in place last year to prevent the alternative minimum tax from costing 20 million people more taxes, instead of offsetting that, the alternative minimum tax was prevented from being expanded without paying for it. If you leave out that one item, the Senate pay-go has a scorecard with a positive balance of over $1.5 billion over 11 years.

Every bill sent to the President, other than the alternative minimum tax and the stimulus, which, of course, could not be offset if it was to have a stimulative effect—that was totally bipartisan, both those were totally bipartisan—every bill sent to the President other than those two has been paid for or more than paid for.

Pay-go also has a significant deterrent effect, preventing many costly bills from being offered.

With respect to the specifics of my colleague's criticism, I will enter into the RECORD every one of the items he referenced: immigration reform, the Energy bill, mental health parity, prescription drug user-fee amendments, minimum wage, Water Resources Development Act. Every one of them is paid for. CHIP reauthorization, the farm bill—he just talked about the farm bill. The farm bill, which we will vote on sometime later today or tomorrow to overturn the President's veto, is totally pay-go compliant. It is paid for and without tax increases. Higher education, the reconciliation bill, the 2007 supplemental—every one of them in terms of the bill that actually went to the President is paid for.

When the Senator from New Hampshire calls pay-go ''swiss cheese-go,'' I call their budget approach ''easy cheese'' because they have faked fiscal responsibility around here long enough, and we are calling them on it because now we have their record, and their record is record deficits, record debt, record borrowing from abroad. That is their fiscal record. It is a fact. It can be checked. They are going to have a hard time running away from their record as we go into an election year.

Madam President, I see my colleague, Senator MURRAY, is here. How much time does the Senator wish?

Mrs. MURRAY. Ten minutes.

Mr. CONRAD. I yield her 10 minutes.

The PRESIDING OFFICER. The Senator from Washington is recognized for 10 minutes.

Mrs. MURRAY. Madam President, I thank my colleague, the chair of the Budget Committee. He has done an amazing job putting together a budget of which we can all be very proud.

For the last 7½ years, the current administration has really mismanaged our economy and failed to make the kinds of investments that keep our country strong. We all know American families have really paid the price. We have gone from a budget surplus to a record deficit, our infrastructure is crumbling, and our economy is now nearing a recession, if we are not already there. So as we finalize this year's budget, we have to ensure that we are investing in our future and addressing our country's real priorities.

It seems that every day the news we hear gets worse about job loss, about skyrocketing gas prices, about the number of families who risk losing their homes in the mortgage crisis. And in the eighth and final budget this President has sent to us, he has really sent us off on a fiscally irresponsible path. He has given us a dishonest budget that fails to own up to the true cost

of the war, and it will require us to borrow billions of dollars from foreign governments to meet our expenses.

I want to give a few examples of how out of touch President Bush's budget is.

People today are struggling to pay for heat and rent. Yet President Bush sent us a budget that proposed to cut low-income heating assistance and housing and neighborhood revitalization programs, such as section 8 and CDBG, right when our constituents are fighting so hard to pay their mortgages to make sure they stay in their homes.

The wars in Iraq and Afghanistan are creating thousands of new veterans every single year, many of them, as we know, with severe injuries and specialized needs. But President Bush sent us a budget that cut critical programs at the VA, including medical research and State extended-care facilities.

More than 1 million people are going to lose their jobs this year. What did President Bush do in his budget proposal? He cut $484 million from critical workforce training programs.

Health care continues to be out of reach for millions of Americans who don't have insurance or, in some cases, don't have access to doctors or nurses. Yet the President sent us a budget that freezes Medicare reimbursement levels for our hospitals and hospices, for our ambulance services, long-term care facilities, and he decimated funding for training programs for our health care professionals.

It is past time that this administration joined with the majority in Congress and the majority of people in this country to make America's families, the working families, our first priority.

The budget conference resolution makes responsible choices that will help get our economy rolling again and invest in our country's real priorities. With this budget which will be before the Senate shortly, Democrats are investing in programs that help families meet expenses and get ahead, things such as schools and health care and job training. Our budget makes up for President Bush's misguided proposals to flat line funding for education and rob students of the opportunities they need to get ahead.

We are restoring the vital funding the President has slashed from our Nation's job training programs to help youth and adult and dislocated workers get the skills they need so they can succeed in our global economy.

We are investing in health care by adding much needed funding for our health professions, the National Health Service Corps, our community health centers, and other programs that help to ensure Americans can see a doctor when they are sick.

We are ensuring our communities at home are safe by funding the homeland security grants and restoring cuts to local law enforcement programs.

Our budget fully funds the port security grants which the President proposed cutting in half. And it restores his dangerous proposal to cut almost $750 million from State homeland security programs and grants. Those are programs that help pay for security improvements, training, and equipment—all of the items that our first responders need so they can prepare for the worst in our communities at home.

Democrats are making critical investments in infrastructure in this budget which will help boost spending and create jobs, while making much needed repairs to our roads and our bridges. We are also preventing a projected shortfall in the highway trust fund so we can keep our commitment to States and communities and ensure that our roads, bridges, and highways are safe and up to date.

This budget ensures we are not turning our backs on the Hanford Nuclear Reservation in my home State or the many other States in our nuclear complex where workers sacrificed to help make nuclear material during the Cold War. Hanford and other sites like it are still home to millions of gallons of nuclear waste and other dangerous material, and the Federal Government has to live up to its promise to clean them up. The longer we stretch it out, the more the cleanup is going to cost over the long run. The budget that will be before us reverses the trend of failing to invest, and it is a big step toward getting us back on schedule.

Finally, in this budget, we are doing the right thing for our veterans. The number of veterans is increasing every day, and the list of needed repairs and expanded facilities in the VA system is stacking up as well. But what does the administration send us? A budget that proposes new fees and increased copays that will essentially discourage millions of veterans from even accessing the VA. In his budget, the President also underfunded VA medical care, VA medical and prosthetic research, and he cut funding for major and minor construction by nearly 50 percent.

I have made it clear over the last several years that I believe denying access or discouraging veterans from seeking care because of their income is morally wrong, and I believe it will also make it harder in the long run for us to maintain a strong voluntary military. Democrats are making sure that we keep our promise to the men and women who have served us so bravely.

I thank our chairman, Senator CONRAD, for his leadership and his tremendously hard work to get us to this point. I urge all of our colleagues to support this budget. This budget sets priorities and gives us critical direction as we begin the appropriations process. The American people desperately want us to take the steps that have been laid out in this budget. Our budget creates jobs, it rebuilds our roads and our bridges, it cares for our veterans, it invests in education, it helps our families meet their basic needs, and it gets us to surplus by 2012. After years of this President's unrealistic policies, Democrats with this budget are making sure that working families are again priority No. 1.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, I thank the Senator from Washington, who is an extraordinarily able member of the Budget Committee, someone upon who I rely for much of the very hard work of the committee. She is simply outstanding, and I thank her for her leadership and most of all for her friendship.

Madam President, I ask unanimous consent that the gentleman from Iowa, Senator GRASSLEY, be given 30 minutes on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Iowa is recognized for 30 minutes.

Mr. GRASSLEY. I thank the Senator for providing time for me.

For 6 years, and those would be the years 2001 and 2003 through 2006, the budget resolutions provided the necessary resources that allowed the Finance Committee, the tax-writing committee, usually in a bipartisan manner, to realistically address the demands of tax policy. I am disappointed to say that this year, like last year, is different.

The people spoke in November of 2006, and for this year—and last year—the Democrats are in the majority and in control of the congressional budget process. As ranking Republican on the Finance Committee, a committee I used to chair, like last year, I was not consulted at any point by our distinguished chairman on this budget resolution. Unfortunately, after reviewing the resolution conference agreement, it is clear it does not realistically address the tax policy needs the Finance Committee is very concerned about and has the responsibility to do something about.

I am going to take a look at what the budget means to the American taxpayers in two timeframes, from now until January 20, 2009, and then for the period of time long term. Short term first; long term, the period of time after the new President is sworn in starting January 20, 2009.

Let's take a look, then, at what this budget says to the American taxpayer near term. For the hard-working American taxpayer, the news is not all bad. I complimented the distinguished chairman for preserving the ''unoffset'' AMT patch for this year in the budget. He had to concede a new point of order to the House, but my guess is there will be 60 votes to waive it when the AMT patch is brought up. The problem that 26 million families face is uncertainty of the action on the AMT patch this very year. In other words, right now.

I have a chart here I wish to put up. It is the estimated tax voucher, a form that people fill out for making quarterly payments. Many of the 26 million families facing the AMT technically should be adjusting their withholding

upward and filing the 1040–ES form with a check for a portion of the AMT they already owe because Congress hasn't acted yet to prevent the AMT from expanding to almost 25 million more Americans, which I don't think will happen, because I think we will take care of it in time, but who knows. But right now, those filing quarterly should have made this payment, filled this form out, on April 15. That is when the first quarter's estimated tax is due, and that is what the tax law says right now.

This is all a problem because the House Democratic leadership won't send us an ''unoffset'' AMT patch. Now, let's make it clear what the Constitution says, so people don't think I am only blaming the House of Representatives. The Constitution says tax laws must start in the House of Representatives. So why then won't the House Democratic leadership send us an ''unoffset'' AMT patch bill so we can get it to the President? Here is the problem. The House Blue Dog Democrats will not support an ''unoffset'' AMT patch bill.

Now, why wouldn't the Blue Dogs do that? And I am not accusing them, I am stating what their position is. The answer is the Blue Dogs are a growing presence in the House of Representatives. Most of the seats that shifted from the Republican column to the Democratic column in the 2006 election are occupied by Blue Dogs.

The Democratic-leaning Washington punditry and the Democratic leadership have gloated recently about the trifecta that has happened because of the House special congressional elections this year. By trifecta, I am referring to the three House races that were switched from Republicans to Democrats this year, not something this Republican is proud about. All three of those Members have joined or intend to join the Blue Dog coalition in the other body.

Lord knows we have heard a lot of gloating from the other side about these three new so-called conservative Democrats. We have also heard from a lot of Republicans crying in their favorite beverage about this outcome.

The Blue Dogs have had a heavy hand in this budget and are the leading obstacle to getting the ''unoffset'' AMT patch bill done and to the Senate so we can send it to the House. So if the Blue Dogs are representing themselves as strict agents of fiscal responsibility, it is a fair question for every one of us to ask about their definition of fiscal responsibility.

Let's take a look at it. I have another chart here. This chart contains a depiction of the most famous Blue Dog. Here he is, the most famous Blue Dog, Huckleberry Hound, showing us the definition of fiscal responsibility from his Blue Dog perspective. Now, here we have Huckleberry Hound barking ''fiscal responsibility.'' American taxpayers should beware. Huckleberry Hound's bite happens to be higher taxes. With respect to spending cuts, all we get is a whimper. No spending cuts.

Maybe I am being too tough on Huckleberry Hound and his Blue Dog friends, but I have yet to see the empowered Blue Dogs propose spending cuts for deficit reduction. All I have seen is higher and higher taxes. Like their liberal brethren, Blue Dog Democrats only look to the American taxpayers to fund new spending. We are seeing it once again on the war supplemental bill. Why couldn't they find a spending cut here or there to pay for the popular veterans' benefit package? Why always go to tax increases?

The reason I point this out is this group of House Members is holding up our ability to pass an AMT patch bill in a form that can pass the Senate and in a form that can be signed by the President. The Blue Dogs' bark of fiscal responsibility is stalling relief for 26 million AMT families. The Blue Dogs insist on getting their bite of $62 billion in new taxes as a condition to sparing these 26 million families from the AMT.

I agree with the Blue Dogs on the importance of fiscal responsibility. And as I have stepped up to the plate over the years with plenty of revenue raisers, well, if you have any questions, ask the people downtown in what we call the K Street crowd who think of defending all these tax loopholes we are trying to close. But the Blue Dogs whimper when it comes to spending cuts. They only look at the taxpayers for fiscal responsibility. This obsession with raising taxes, most pointedly advanced by Blue Dogs, is a theme that runs through this budget.

I am going to turn now to the short-term tax legislative agenda and examine how the budget squares with what we need to do.

As a farmer, I would like to think we country folks can teach city folks a lesson or two. The first chart I am going to put up here involves the method a lot of us farmers use to get our water. You will see a well in this chart. You can see it as a long well. There is a little bit of water way down there at the bottom of the well, but most of the well is dry.

Now, what we are told by those who drew up the budget is that the tax-writing committees will somehow plain find the money. Well, find the money. You have to have some sort of consensus to do that, because in the Senate, to get anything done, you have to have some bipartisanship. We will find the money, they say, to pay for this time-sensitive tax business we have to deal with. Now, these are not just abstract things; these are pending matters. They are pieces of legislation on both sides that we say we want to get done before this session ends.

The offset well here shows about $58 billion that is known, that is identified, and that is scored revenue raisers that the Senate Democratic caucus supports. I used this chart several months ago trying to make similar points. I have updated it to assume that the farm bill will become law, and I think that is going to happen within 48 hours.

As a rule of thumb, the Finance Committee tax staff, in a bipartisan way, has developed about $1 billion per month in new offsets. That figure of $1 billion per month is in line with our historical average, the success we have had of gleaning money by closing loopholes. How reliable is that average, and can we count on it?

As a farmer, I know something about the predictability of rainwater. You hope you will get rain and that will give you a decent level of well water. As a former chairman and now ranking member of the Finance Committee, I know something about revenue raisers. I have been there and done that. When I was chairman, I aggressively led efforts to identify and enacted sensible revenue raisers aimed at closing the tax gap and shutting down tax shelters. And as ranking member, I continue to look for ways to shut off unintended tax benefits. So I consider myself to be a credible authority on what is realistic when it comes to revenue raisers.

From 2001 through 2006, Congress enacted over 100 offsets, with combined revenue scores of $1.7 billion over 1 year, $51½ billion over 5 years, and $157.9 billion over 10 years. So if you look at recent history, we can realistically figure the tax staff will find about $1 billion a month. Let taxpayers who are trying to avoid honestly paying taxes beware of that.

Right now, however, all we can find that is specified, that is drafted and is scored, is that $58 billion. The revenue-raising well shows about $58 billion in available, defined, and scored offsets.

Defenders of the resolution before the Senate will say a virtual cornucopia of revenue raisers is there from the tax gap and from shutting down offshore tax scams. I take a backseat to no one on reducing the tax gap or shutting down offshore tax shelters. I have scars to show from my efforts over the years. But the defined as well as the scored tax gap proposals are included.

We have that here already.

Likewise, we have a proposal targeted at tax haven countries and other off-shore activities on this chart. The well has, then, about $58 billion of offset water. This budget anticipates Congress will be thirsty for this limited group of offsets. On the thirst or demand side, you will see the bucket will be busy bringing up that water. On the demand side, I have talked about next year's AMT patch—there is $74 billion for the patch for next year. There is $16 billion for tax provisions that ran out at the start of this year. That estimate, by the way, is probably low. Then there is $29 billion for next year's extenders, and there is $15 billion for the energy tax package we want to pass.

If you add up those things—and we have to add the $5 billion we have there

for the Federal Aviation Administration reauthorization bill, if we get to it—and I hope we get to it. So the pending, the time-sensitive tax business totals what? It is $139 billion that we have to bring up in that bucket.

You see $59 billion of real money is available. That is quite a difference. We are short about $80 billion. I have not even included the demands from the myriad of reserve funds that are mentioned in this resolution. Since we know from almost a decade of fiscal history that the Democratic leadership cannot propose spending cuts, we know the new reserve funding spending will be paid for with tax increases. It has been shown to be the case since the Democrats took power in January 2007.

As I said earlier, the Blue Dogs in the House of Representatives are leading proponents of this tax and this spending practice. You can see it doesn't add up. The budget plan for tax legislative business is very much out of balance. It is out of balance by at least $80 billion. Even if the Senate were to adopt some of the new tax hikes that the House has come up with, we would be substantially still out of balance.

I might add I have included in the Senate offset accounting proposals the House has rejected. So I think on this chart is a fairly conservative estimate.

What is going to happen? How do we then bridge that $80 billion gap? Either the tax relief is not going to happen or we will add that to the deficit. That is a frightening proposition. I had hoped that the shortfall would be confined to the short term, but that is not the case. Over the long term—and I said I had a short-term view and a long-term view of this budget resolution. So what does it look like after January 20, 2009? It gets much worse.

Let's take a look at the budget's assumptions about revenues over that long term. Over the 5-year budget window going out to the year 2012, keeping existing policy in place will have a revenue effect of over $1.2 trillion. This includes AMT relief, extension of bipartisan 2001 and 2003 tax relief, and extending other broadly supported expiring provisions.

In the aggregate, this budget appears to provide $340 billion in new resources for extending these policies over the 5-year window. Let's look further, and you will find a complicated obstacle course to making any of this tax relief happen. To me, the conditional tax relief language is almost bait and switch. Senator GREGG has described in great detail how this mechanism would work. To me, it is as convoluted as a Rube Goldberg type of invention. So I have another chart.

The chart shows a Rube Goldberg potato peeler invention. If you want to peel potatoes, I would tell Rube Goldberg to use a simple potato peeler. If you really mean to deliver tax relief, I would tell the majority, the Democratic majority, write it into the resolution. Make it very clear. Don't use a Rube Goldberg mechanism.

Suffice it to say, the supposed $340 billion in tax relief targeted to 2011 and beyond assumes it will not be used for future spending. Does anybody really believe this new majority will not spend future tax relief if given the chance? If your answer is yes, then I have a few bridges in Iowa that I will sell you.

Under this budget, $1.3 trillion in expiring entitlement spending is assumed to continue. It is right in the CBO outlook. So, Mr. and Mrs. Taxpayers, that is right, your taxes will go up by almost $1.2 trillion unless Congress raises taxes to offset the revenue loss.

When it comes to expiring entitlement spending, it is quite a different story. There is no requirement in this resolution for Congress to do any heavy lifting. This emphasis upon higher taxes and higher spending is reinforced by the pay-as-you-go rules, or we say pay-go around here. That is this budget's notion of fiscal responsibility—unrestrained spending is good, higher taxes are good.

Over the 5 years of this budget resolution, it assumes a dramatic tax increase—at least $1.2 trillion. In 2011 the bipartisan tax relief plan will expire. Some folks will call these provisions the Bush tax cuts. I suppose that term, ''Bush tax cuts,'' arises from polling by campaign outfits on the other side. It is true President Bush signed both bills, but the bipartisan compromises occurred in the Senate Finance Committee. In 2011 President Bush will have been gone from office for a couple of years. You can call this package of tax relief for virtually every American the Bush tax cuts, but for the taxpayers, if Congress does not intervene, it will be a tax increase and it will be the biggest tax increase in the history of the country and it is all going to happen without a vote of the Congress.

So I would like to run through a couple of examples. The first would be a family of four. There is the husband, his wife, and their two children. This family makes $50,000 in income. That is right about the national median household income today. For example, the Census Bureau stated that for 2006 the national median household income was $48,200. Under the Democratic leadership's budget this family will face a tax increase of $2,300 per year. That is a loss in their paycheck of about $200 per month. It is a hit on their yearly budget of $2,300. Where I come from, that is real money.

I will give another example, this one a single mom, two children. She earns $30,000 a year. In 2011, under this budget, she and her family run straight into a brick wall—that is a brick wall of $1,100-per-year taxes. That is $100 a month out of the family's budget.

Some on the other side will say they only excluded top-rate taxpayers or other high-income folks from tax relief. I am going to tell you don't believe it. We have tax bills of the previous several decades to prove it, that you don't tax just the wealthy when you raise taxes. The facts are otherwise. Low-income folks, including millions of seniors, pay no tax on their dividends or their capital gains income. If this budget stands, even with the Baucus amendment, millions of these low-income taxpayers, especially seniors, will pay a 10-percent rate on capital gains and could pay as high as a 15-percent rate on dividends.

Nationally, over 24 million families and individuals reported dividend income. Let's say that again—24 million Americans reported dividend income—because you think it is just a few hundred thousand of very wealthy people—24 million families. In Iowa, for instance, we have 299,000 families and individuals claiming dividend income on their income tax returns. There are not 299,000 millionaire families and individuals in Iowa. Nationally, we are talking about over 9 million families and individuals reporting capital gains income. In Iowa we are talking about 127,000 families and individuals.

There are many marginal rates other than the top rate that would rise if this budget stands, even with the amendment of Senator BAUCUS. The 25-percent rate—which for 2007 starts at $31,850 for singles and $63,700 for married couples—would rise by 3 percent, to 28 percent. The 28-percent rate would go up 3 percentage points to 31 percent. The 33-percent rate would go up 3 percentage points to 36 percent. The top rate would go up from its current 35 percent level to 39.6 percent.

To sum up, even with the Baucus amendment added to this budget, there would be marginal rate increases on millions of taxpayers, and not just millionaires. Those marginal rate increases would reach taxpayers with taxable incomes as low as $31,850 for singles and as low as $63,700 for married couples.

What I just described is accurate only if the Democratic leadership intends to follow the letter and the spirit of the Baucus amendment. If you look at last year's track record, the House neutered the effect of the amendment in the conference committee. They created a Rube Goldberg type of mechanism to impede the amendment.

As I pointed out a few minutes ago, that mechanism is right back again. Of course, after the budget conference report was agreed to, all talk and action around the amendment then somehow ceased.

I wouldn't put much stock on the followthrough on the Baucus amendment. The distinguished chairman and friend of mine points out that since last year's budget, we passed tax relief of $50 billion for last year's AMT patch. He will also point to the stimulus package passed earlier this year. The senior Senator from North Dakota is correct that those tax relief packages did pass. He used the assertion to counter the assertion on our side that there is a $1.2 trillion tax increase in the budget.

The distinguished chairman omits a critical fact in his assertion, and that

is the ''unoffset'' AMT patch passed only because Senate Republicans and the administration insisted that they would not use the AMT problem as a money machine for current and future spending. If the Democratic caucus had prevailed, the AMT patch would have been offset.

Likewise, on the stimulus bill, there was bipartisan consensus that economic stimulus should not be a tax increase.

When you step back from the differences across the aisle on this budget, you probably will not be surprised to find some differences among Presidential candidates. Generally, the candidates on the other side have proposed to take heavily from the taxpayers under the guise of fiscal responsibility. This is true when they are talking about ending the bipartisan tax relief plans of 2001 and 2003. It is true when they are talking about the same loophole closers for a myriad number of expansions of existing entitlements and creating new ones. Nowhere is there discussion of reining in spending.

So the tax side of the Federal ledger is the only route to fiscal responsibility from the perspective of Presidential candidates on the other side of the aisle.

I wanted to give you one telling example. One Democratic candidate has proposed to repeal the bipartisan tax relief plans for taxpayers earning above $250,000. This proposal raises $226 billion over 5 years and 10 years. A key fact is that the source of that revenue peters out over the next few years because under current tax law, the tax relief sunsets at the end of 2010.

Madam President, I ask unanimous consent for an additional 4 minutes.

Mr. CONRAD. I say to the Senator through the Chair that we would be happy to accede to the request if the Senator could say something nice about the chairman of the committee.

Mr. GRASSLEY. Besides the work of Senator HARKIN, we have an outstanding farm bill because of the hard work of the Senator from North Dakota.

Mr. CONRAD. What a kind and gracious thing to say. We would be happy to agree to the request. The Senator would like 4 additional minutes.

Mr. GRASSLEY. I think that is it.

Mr. CONRAD. Why don't we give the Senator 5. You can give back any time.

Mr. GRASSLEY. Sure.

Mr. CONRAD. May I interrupt the Senator and ask unanimous consent when the Senator has concluded, we go to Senator WYDEN?

How much time would the Senator speak?

Mr. WYDEN. I think it would range up to 10 minutes.

Mr. CONRAD. Are we confident that 10 is sufficient?

Mr. WYDEN. Yes.

Mr. CONRAD. Then I ask unanimous consent to go to Senator WYDEN for 10 minutes after Senator GRASSLEY.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Well, I was talking about Presidential candidates and what their budget plans might do.

Like the Democratic leadership's budget, the candidates on the other side oversubscribe the revenue sources from proposals that are popular with the Democratic base. The deficiency can only be made up in three ways: One, other undefined sources of revenue would need to be tapped. The taxpayers should rightly be worried about that avenue. Two, the proposed spending plan would need to be abandoned or curtailed. There is not much history on the Democratic side of this avenue being taken. Three, add to the deficit for the cost of the new programs. Unfortunately, this avenue has been taken too many times.

We will hear a lot of criticism of the Republican candidate, Senator MCCAIN, from those on the other side. They will argue, like the President's budget, a continuation of current-law levels of taxation somehow costs the Federal Government too much revenue, just like all the money every worker makes belongs to the Government and we let the taxpayers keep a little bit of it. They will argue that the spending increases they propose are more important than the restrained levels of the President's budget, and they will argue that despite the record tax hikes in their budget, entitlement reform is a matter for another day. In fact, Senator MCCAIN's plan intends to keep the revenue take where it is as a share of the economy. You see revenue averages of about 18.3 percent of the economy. That is 18.3 of the GDP.

The state of the economy affects revenues more than anything else. There are dips when we have been in recession and peaks when growth is high. Our side cares about keeping the revenue line at a reasonable level, about 18 to 19 percent.

We do not see the merits of an imperative behind a growing role for Government in the economy. The other side disagrees. That is their philosophy, they are entitled to it. I think they are wrong.

They impliedly or explicitly reject our premise that the size of Government needs to be kept in check. That view has been best expressed in an editorial of October 22, 2007, in the New York Times. The lead paragraph says it best:

> President Bush considers himself a champion tax cutter, but all the leading Republican presidential candidates are eager to outdo him. Their zeal is misguided. This country's meager tax take puts its economic prospects at risk and leaves the Government ill equipped to face the challenges from globalization.

But the bottom line is the New York Times directly states the view behind this budget and the position of the Democratic candidates. From this perspective, the historical level of taxation is not somehow appropriate as a measure for the next decade.

The New York Times implies that the Federal Government must grow as a percentage of our economy by at least 5 to 8 points. That is more than ever in the history of the country. If we were to follow the path suggested by the Times, the Government's share of our economy would grow by one-third. One-third. One-third is a great big increase in Government. The Democratic leadership budget takes some big steps on that path. So do the campaign proposals of the Democratic candidates. They go in the same direction.

Our Republican conference takes a different view. America is a leading market economy. American prosperity and economic strength, in our view, is derived from a vigorous private sector that affords all Americans the opportunity to work hard, to save, and to invest more of their money.

A growing economy is the best policy objective. It makes fiscal sense as well. Fiscal history shows that despite criticism to the contrary, the bipartisan tax relief plan drove revenues back up after the economic shocks we suffered earlier this decade. I am referring to the stock market bubble, corporate scandals, and the 9/11 terror attacks. Revenues bounced back when the economy bounced back. The revenue outperformed CBO's projections by a significant extent.

I yield the floor.

The PRESIDING OFFICER (Mr. PRYOR). Under the previous order, the Senator from Oregon is to be recognized for 10 minutes.

SENATOR KENNEDY

Mr. WYDEN. Mr. President, the television news folks spent much of yesterday looking at brain scans and pretty much counting out our friend TED KENNEDY. But I will tell you today, I think the TV crowd is missing a much bigger story; that is, TED is the most determined person I have met, and anybody who counts TED KENNEDY out needs to have their head examined.

Now, earlier today, Senator KENNEDY's son, Ted junior, gave me a call. Ted junior is a wonderful guy. We talked about all of the instances where his family has tackled illness, defeated cancer. Ted junior told me earlier today that his dad is mobilizing, he is building a battle plan against cancer, he is talking to the experts, he is digging out the facts the way we know TED KENNEDY does unlike anybody else here in the Senate. And certainly Senator KENNEDY is not sugarcoating anything.

But I think it is also important to note that he sure is looking ahead. Senator KENNEDY is especially looking forward to the passion of his life in public service, fixing health care and universal health coverage, coverage for all of our people.

TED has always been America's go-to guy on health care. He has always been our conscience, our leader on the premier domestic issue of our time. TED is always telling me—he is telling a lot of

the Senators—that this time Democrats and Republicans here in the Senate can get it done, that after 60 years of bickering and quarreling partisanship, at this time, it can get done. TED says there is no reason the richest and strongest country on Earth cannot figure this out and cannot figure out a way to get good health care to all of our people. I especially like the way TED points out that we have thousands and thousands of wonderful doctors and hospitals and health care providers. They are ready and waiting for the political leadership to step up and tackle this issue.

Now, nobody has stepped up on health care the way TED KENNEDY has. Nobody has put the effort into looking ahead and what is it going to take to fix the system, to build the coalitions—business, labor, seniors, doctors, health care providers—all the people who are going to be necessary to fix health care.

We should be very grateful that TED KENNEDY has always stepped up on fixing American health care, particularly the challenge of our time, universal coverage. And I for one am very glad this afternoon that Senator KENNEDY is looking forward to being back at his post, as we go forward, Democrats and Republicans, and tackle this issue, this issue so important to our people and our families. That is what Senator KENNEDY and his public service is all about. I want to report this afternoon, he is sure looking ahead to the big challenges we face. And we want him back here with us as soon as he can.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ALLARD. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, my understanding is we are in morning business, talking about the budget.

The PRESIDING OFFICER. The Senator is correct. Senators are allowed to speak for up to 10 minutes.

THE BUDGET

Mr. ALLARD. Mr. President, last year we were obligated to accept the assurances from the majority that under this new regime, pay-go would be respected, spending would be curbed, the entitlement crisis would be addressed, and the debt would be attacked. Undoubtedly, that was an ambitious agenda. Obviously, it didn't happen. We now have results, not predictions. When all was said and done last year, there was an $83 billion increase in discretionary spending. There was $143 billion in pay-go violations. Pay-go violations are provisions we put in the budget that help assure we get moving toward deficit reduction and eventually balancing the budget and reducing debt. We didn't close the tax gap. We added to the national debt. The budget was used to add spending, not reduce it.

Previous to that year, we had always had strong budget provisions that forced budget discipline that actually held down spending. We did nothing for entitlement reform, and we assumed tax increases.

When we began consideration of the fiscal 2009 budget resolution, I hoped everyone was aware of what was promised last year and what transpired. I hope they will use that knowledge with what we see today to understand that what we have now, with two budgets written, soon to be approved, is a pattern, a distinct pattern. That pattern is fiscally damaging to this country. The Democratic budget assumes a tax hike of at least $1.2 trillion which will hit 116 million Americans. This is the second year in a row that the majority party is expecting the American public to surrender more of their income to fund big government.

The pay-for assumed in this budget is simply fantasy. The tax gap, for instance, instead of being closed, was actually expanded last year. Middle-class tax relief was not passed last year either. This budget pushes annual spending over the $1 trillion mark for the first time ever. It increases spending over the President's budget by at least $210 billion over 5 years. That is without including the $79 billion we are considering on the floor this week in the supplemental. We have certainly lost control of our budget.

I want to take a moment and comment that our Budget Committee chairman must be having a little fun with us with his chart showing the difference between his budget and the President's budget. His claim that there is little difference between the two lines on his chart must be intended to be humorous, when the Y axis is over a trillion dollars. If he is teasing us, I appreciate his humor; if he is serious, I fear for us.

Another huge problem in this budget is that the biggest fiscal danger in our future, the looming entitlement crisis, is made worse. Actually, ''danger'' isn't the word. It is not a threat. It is not a danger; it is reality. It is a fact. We need to deal with it. For a second year in a row, nothing is done to address the $66 trillion entitlement crisis now on our doorstep. The budget allows entitlement spending to grow by at least $500 billion over 5 years. This is a huge avalanche of debt waiting to bury our future. But we do nothing. We are not even doing something as productive as fiddling. We are just talking year after year and perhaps wishing it will go away. Instead of reducing the debt as they promised, the majority allows gross debt to climb by $2 trillion by 2013. That debt will have to be paid back by future generations. In fact, every American child will owe an additional $27,000 or more under this budget.

We didn't see many amendments that tried to reduce the debt. I offered one to try to do that, where we looked at those programs that were rated as ineffective. I asked the Members of this body to vote with me to not have a pay increase to these ineffective programs. I thought at least we will let them maintain their funding levels for the previous year. We won't give them an increase, just as we would do with a poorly performing employee. We were not able to get the votes we needed to even put that simple policy in effect. We face a huge challenge, and we need to have a budget that provides the enforcement mechanisms that bring some fiscal sanity back to the process.

There is so much that is disappointing in this resolution that I hate to call attention to some specific points for fear of ignoring all others. But let me point out that an amendment I added in markup, which called for disclosures on debt, was removed. This shows the American public that there are things being done to their paychecks in this bill that the majority party doesn't want them to know. Now that our economy is trending in the wrong direction and when we need the benefits of a reasonable and pro-growth tax policy, we are going to depress our economic growth by adding to the debt and increasing taxes.

When we consider these tax increases, let's remember, last year we were assured we would see tax relief. The first vote we were presented on the budget last year was to budget for an alleged middle-class tax cut. This never materialized. I believe Congress and especially the Budget Committee should be committed to rigid budget discipline, not politically expedient gamesmanship. I urge a return to a tighter and more credible budget document. I plan to offer several amendments to shore up the fiscal discipline we are seeing erode.

Given that this budget assumes raised taxes, increased spending, increases in the debt, failure to address the entitlement crisis, and continuing the ongoing erosion of fiscal discipline in the Government, I feel compelled to vote against it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BUNNING. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUNNING. Mr. President, in recent polling, close to 80 percent of the American public have told pollsters the Nation is on the wrong track. We have enormous problems to solve. The American people know it, and we should be working together to solve those problems. But this budget, written behind closed doors and in secret by a partisan group of Senators, will do

nothing to close the gulf that is keeping us from the people's business. Maybe that is by design.

Majority Leader REID recently explained that Senator CLINTON recommended to him that the Democrats should have a Senate ''war room.'' The war room is up and running today, churning out falsehoods, such as claims that Republicans have staged 71 filibusters—a claim now disputed by the nonpartisan Congressional Research Service. Who are the Democrats at war with?

Just as my good friend, General Petraeus, began to make progress reversing the insurgency in Iraq, the leadership of the Senate decided to wage a different kind of war—a war on Americans who do not share their vision of the future. The vision Democrats would promote, to the exclusion of all others, is laid out in this budget document before us. It begins with more tax enforcement. Everybody should abide by the law and pay the taxes they owe. And I support our new IRS Commissioner. But the notion that we can save anywhere near the amount proposed by Senator CONRAD is nonsense, and he should know it.

The only way to collect that revenue would be to toss out the procedural rights American taxpayers now enjoy. These rights are critical because they assure fair and evenhanded enforcement by the IRS. The Government will lose far more revenue than Senator CONRAD proposes to save if the public loses confidence in the fairness of our tax system.

His own colleagues in the House are not serious about this either. If they were, the House would not have voted on party lines to stop audits of a handful of wealthy Americans under audit by the IRS who claim to be Virgin Islands residents. What is the IRS to make of this mixed message?

The next part of the Democratic vision is predictable: more taxes. In order to achieve balance, the Democrats' budget assumes $1.2 trillion in additional revenue compared to today's baseline. Has anybody asked the 80 percent who think we are on the wrong track whether they would raise taxes on 116 million Americans?

At least 43 million American families will pay $2,300 more per year in Federal tax for the spending in this budget proposal.

Finally, and most significantly, the Democrats' plan on entitlement reform is to stay the course. Senator DOMENICI, the former chairman of the Budget Committee, told Budget conferees yesterday that he fears for our future and the future of our children and our grandchildren. Having 35 grandchildren, I share his concerns.

As any ship's captain knows, when you are heading for the rocks, it is time to change course. Staying the course is the wrong policy and the wrong message, and I am disappointed my colleagues have been unwilling to work with me and with the President to turn the ship of state in the right direction with this budget document.

Please—the American people are watching—let's do what is right and reject this partisan document and write a budget we can all be proud of.

I yield back.

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. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, while we have been in caucus discussing how the business of the Senate will be concluded over the next several days, I note that a number of my colleagues have spoken to once again assert and claim that there is a tax increase in the budget conference report before us. That is a fiction. Our friends on the other side have a very consistent speech, and they give it regardless of what is actually in the legislation. I can say that because we have a record now of their giving this same speech, because they gave the exact same speech last year, almost word for word.

Last year, as shown on this chart, this was the description of the ranking member of the Budget Committee with respect to the conference report. He said then:

> It includes, at a minimum, a $736 billion tax hike on American families and businesses over the next five years—the largest in U.S. history.

Now we are able to check the record and able to see what, in fact, has happened. Did the Democratic Congress pass the largest tax increase in history in the last year? No. Did we pass any tax increase? No. Here is what we did do: We passed $194 billion of tax reduction. That is the record. People do not have to know what specific legislation has occurred here to know what I am saying is true. All they have to do is go to their mailbox. Because tens of millions of Americans are getting a check from the U.S. Treasury, courtesy of the Congress controlled by Democrats and, in fairness, a law signed by the President—one negotiated in a completely bipartisan way to provide stimulus to the economy.

There were $7 billion of loophole closers enacted during the same period. So the net effect of the two is $187 billion of tax reduction. That is our record.

Now they are saying: Well, they have this big tax increase in this package. No, we do not. That is their assumption. It is not ours. What is provided for in this package is $340 billion of tax reduction. The Baucus amendment, passed here—it is included in the conference report—extends all the middle-class tax cuts and reforms the estate tax. Mr. President, $340 billion of tax reduction.

Now, our colleagues say: Well, they had that in last year's budget and did not pass a law to implement it. That is true. You do not need to implement it until the tax reductions that are in place expire. They do not expire until 2010. So, yes, we have provided for them in the 5-year budget. That is to be responsible to show we can balance even with those tax cuts extended. But you do not need to pass the law now because those tax cuts are in effect until 2010.

I wanted to say that to set the record straight. I know Senator KYL is here waiting to speak, so I will stop at this time so he has a chance to make his remarks.

I say to Senator KYL, for the good of the order, could you give us a rough idea how long you might speak?

Mr. KYL. Mr. President, I say to Senator CONRAD, I would say no more than 10 to 15 minutes. I will say 15, but probably I will not take that much time.

Mr. CONRAD. Would it be appropriate to have a unanimous consent agreement that the Senator have 15 minutes—or 20, and then he can yield back time if he wishes.

Mr. KYL. No. Mr. President, I am happy to ask unanimous consent to speak for 15 minutes, and then whatever time Senator CONRAD would urge after that, subject to Senator GREGG's intercession as well.

Mr. CONRAD. Might I say, then we have a couple of other Senators on our side who wish to say something and, hopefully, we will then be done on our side.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Arizona.

Mr. KYL. Thank you, Mr. President.

Mr. President, let me engage in a little bit more of the sparring between the distinguished chairman of the Budget Committee and the distinguished ranking member, both of whom have had a good debate here. But I would like to add to that debate.

There is a lot of discussion here that must cause Americans watching this to wonder what on Earth is going on here when we pass a budget and that budget assumes various things, and then there are charges back and forth that you have passed a tax cut, you have not passed a tax cut, you have passed a tax increase, you have not, and so on.

Let me see if I can clarify that with what are, in fact, the real assumptions in the budget and what the Senate has and has not done.

The ranking member of the Budget Committee is correct that the budget that has passed the Senate already, and that the Senate is about to enact again, in fact, assumes tax increases which will amount to the largest tax increase in the history of the world—$1.2 trillion. Those are assumed in this budget.

Now, the chairman of the committee correctly says: Well, we have not actually passed those tax cuts. That, of course, is true. The budget is not a law, a bill that is sent to the President for

his signature so he can sign it and then it becomes law. That is not what a budget is. The budget is the document we use to frame our deliberations in the Congress for this coming year. We are supposed to stick to it. It sets an upper limit on spending. It sets the revenues that we assume will come in, and part of the revenue is based on taxes.

So what this budget does is to say we assume we are going to have taxes of $1.2 trillion more than we have today. That is what this budget assumes, and that is the largest tax increase in the history of the world.

Now, the chairman responded first by saying: Well, actually we have also included something else in this budget so you cannot say it is necessarily the biggest tax increase in the history of the world because we passed what is called the Baucus amendment, and the Baucus amendment is supposed to provide an extension of certain current tax rates that would otherwise expire in the year 2010, and if we do that, then we will not actually have that tax increase.

The answer is, that is true, were we to do that, that tax increase would not occur—at least it would not occur to that amount.

Well, we did the same thing last year. We had the Baucus amendment last year. But Congress never passed any tax relief based on the Baucus amendment. So while the Baucus amendment was in the budget, it was never implemented. The truth is, it is not going to be implemented this year either. I think everyone will acknowledge that.

So it is no answer to say the tax increases that are assumed in the budget are actually wiped off because the Baucus amendment is also a part of the amendment. The Baucus amendment is not going to be implemented this year, just as it wasn't implemented last year.

The third response the chairman of the Budget Committee made was: Well, that is true, but we actually don't have to pass the Baucus amendment until these current tax rates expire because they currently exist until the end of 2010. So we can still say we passed a tax cut, even though we haven't enacted anything, because we are going to assume existing law continues until the end of 2010.

Well, that is an odd way to argue that you have actually cut taxes. You haven't cut any taxes at all. You have done nothing but allow current rates to continue for next year and the year 2010. It is a good thing those rates are continuing; we wouldn't want them to increase. They are the Bush tax cuts that many Democrats have been very critical of. But here now Democrats are bragging about keeping them in effect for another 2 years. Well, I am glad. I am happy they are being kept in effect for another 2 years. I am worried about what is going to happen after that. The problem is this budget assumes they are going away. That is the $1.2 trillion we are speaking of.

Now, what happens to average Americans if this tax cut fails to materialize and, in fact, the tax increase actually occurs? Well, this budget conference agreement we will be voting on assumes that single people earning as little as $31,000 a year, couples making $63,000, will see their taxes go up. That is because it assumes the 25-percent bracket which kicks in around $32,000 next year for single filers, $63,000 for married couples, will go to 28 percent. Well, is this 3 percentage points a lot? Is that a big deal? Well, it is a marginal tax rate increase of 12 percent. When you add percentage points onto 25 and go to 28, that is a 12-percent increase. That means people in the 25-percent bracket—and that is people earning as little as $32,000 a year—will give the Federal Government 12 percent more of every dollar they earn over $32,000 more than they do today.

What does that mean? Well, let's look at some high school teachers in Phoenix and Tucson, AZ, my home State. In Phoenix, they make between $42,000 and $63,000 on average. So they would see a significant tax increase. How big? Well, according to calculations run by the Budget Committee, the average tax increase for this middle-income family will be more than $2,000. That may not be much to some, but it is a lot of money to the average school teacher in Phoenix. The average school teacher in Tucson makes between $38,000 and $56,000, on average. Most people think of that as middle class, not wealthy. But under this budget, they would see their taxes go up almost the same amount—$2,000.

Small businesses, which are the backbone of our economy—that is where most of our employment is occurring today. Yet this budget conference agreement raises taxes on small businesses because all income tax brackets above the 15-percent bracket will increase, and small businesses pay on those upper tax brackets. Most small businesses—in fact, the owners of small businesses report their business income on their individual income tax returns and, in fact, over 80 percent of filers in the top bracket report small business income. So you think you are going to soak the rich by increasing the top tax bracket? Well, you are increasing taxes for the small businesses of America. That is who ends up paying the increased taxes.

According to the Small Business Administration, small businesses represent 99.7 percent of all employer firms. They employ about half of all private sector employees. They generate between 60 to 80 percent of the net new jobs annually. Increasing small business taxes will hurt our economy.

How about investors? This is becoming an investor Nation, people saving for their retirement, American seniors living off their savings. In fact, every American who saves and invests rather than spending their extra earnings will see their taxes go up under this budget.

The budget allows the 15-percent capital gains rate to go to 20 percent. That is a 33-percent increase in the tax rate. The dividends tax rate will go up a whopping 164 percent. We talked about a little bit of an increase—164 percent is not little. That is on dividends. That is what seniors get when they invest their retirement savings and get a dividend from the corporation they have invested in. That goes from 15 percent to 39.6 percent.

Why are these rates important? Because keeping tax rates low on investment income gives people the incentive to put their money to work by investing it; by investing in businesses, small and large, and it gives the businesses the resources they need to grow: to hire more employees, to buy more equipment, produce more goods and services. All this, of course, helps the economy grow; it helps produce more wealth and, by the way, it helps produce more revenue for the Federal Treasury as well.

I said we have become an investor Nation. Capital gains. Now, 45 percent of all elderly taxpayers reporting capital gains had an adjusted gross income of $50,000 or less. Rich? We are going to tax the rich here? No. We may be aiming at the rich, but we are hitting the middle class. A $50,000 income is not rich. These are our senior citizens' dividends. Mr. President, 67.6 percent of all elderly taxpayers reporting dividend income had an adjusted gross income of $50,000 or less. The same thing; these are not wealthy people. They are receiving dividends based on retirement income, and they are going to receive a whopping tax increase under the assumptions of this budget. In fact, if you look at the data for all filers under $50,000, capital gains that are $50,000 of income, 35.8 percent of the filers reported capital gains income. Forty-one percent of the filers with incomes of less than $50,000 reported qualified dividend income. So we are talking about folks who are not wealthy, who are reporting not only income but dividend income and capital gains income, getting a huge increase in their taxes because the rates on dividends and capital gains are increased under the assumptions of this budget.

As I said before, there has also been talk of not only taxes going up, but the budget chairman actually said we have actually cut taxes by about $187 billion. Now, this is—well, let's say it bears examination. The tax cut the chairman is counting is simply the existence of the law today. It is existing law. It is continuing that law. As he said before, we don't have to take any action because it is already law, and it continues for 2 more years. That is right. But it is not as if we passed a law to cut taxes. We haven't. We have left them alone. That is not cutting taxes.

This year we are going to enact a 1-year fix for the AMT because we don't want people to have to pay for that. We are going to extend the so-called tax extenders for businesses, such as the

R&D tax credit. We will do those things, but it is not as if the people should be grateful to us for cutting their taxes. That is simply taking action to make sure their taxes don't go up. It is to keep them exactly where they are. That is not a tax cut; that is protecting people to retain the existing level of taxation.

Then, the stimulus checks which make up the rest of this, they are not a tax cut either. Remember, that is what the President did when he negotiated with the House of Representatives and said: Let's stimulate the economy by giving people $300 or $600 to spend, and that money is starting to be received by Americans today.

So I don't think the Congress should be bragging about a big tax cut when, in fact, all we have done is to retain existing rates, and all we are going to do is retain existing rates. When I say all we are going to do, believe me, that is important. It is important that we not let taxes increase, but that is what this budget assumes. As the ranking member of the committee pointed out, the biggest tax increase in the history of the world is assumed in this budget, and here is the problem: Right now, Congress does not have to do anything, as the chairman of the Budget Committee said. That is true. But in 2 years, we do have to do something or else taxes are going to go up. This is not a matter of stopping a big tax increase; this is a matter of all these tax rates—the marginal income tax rates, the death tax, capital gains rates, dividend rates—all these rates that are currently in law expire, and they are all increased unless we act.

That is the assumption of this budget. That is why it would be irresponsible for us to support this budget and assume Congress is not going to do the responsible thing and stop those tax rates from increasing. That would be devastating to our economy. It is the last thing you would want to do in a time of economic downturn, and it would be the last straw for American families who are already seeing too much of their income having to go to buy gasoline, to buy a quart of milk or to buy whatever else it is they need for their families with the prices having gone up. To have a tax increase on top of that would, as I said, not only be devastating for the economy, but it would be critical to American families. Ironically, if we are concerned about revenues to the Federal Government, it is also the best way to make sure the Government doesn't collect very much revenue either, because in an economic downturn, the people don't make as much, and therefore they don't pay the Government as much in taxes.

The bottom line is this is a budget that assumes a huge tax increase. It doesn't do a thing to cut taxes. It is not something we should be supportive of. I appreciate the comments of my colleague from New Hampshire earlier in pointing out the fact it is a budget Congress should reject on behalf of the American people. Go back, do this work over again, abide by the instructions to conferees that we passed on the floor of the Senate last week, and ensure that these things can occur without raising taxes, which would be the last straw for the economy we are in right now.

Mr. President, I yield the floor to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Thank you, Mr. President. I wish to, once again, thank Senator CONRAD and all the conferees who have worked so hard. I know Senator GREGG and Senator CONRAD may have a different view on the budget, but certainly I appreciate our ranking member's professionalism in working across the aisle on so many issues and working to place this budget resolution, the final resolution, in front of us.

The chairman and the conferees are presenting the American people with a budget resolution that lays out the Nation's priorities and focuses on what we ought to be doing to improve our economy. We put together a budget, and as a member of the Budget Committee, I am very proud to have played a role in putting it together. I believe it gets it right. It is about our values and our priorities. It is about investing in our future as Americans.

Today we are saying our Nation's budget, which lays out our values and priorities, will focus on the economy, on jobs, and on the future of the country. I come from the great State of Michigan, where the issue of jobs is very serious and very real. People in Michigan want us to act in a way that is going to allow people to have a good-paying job, to be able to work hard, to be able to pay the bills and pay for the outrageous gas prices and the soaring costs of health care and the cost of college and food and all the other things that are squeezing families on all sides. They want to know they have an opportunity to work. We work hard in Michigan. People across this country, middle-class families every day are working hard, and they want to know that our Federal priorities include creating opportunities for people to work, to be able to care for themselves and their families.

Let me first indicate it gets pretty old. You know, it seems the old, tired refrain comes from colleagues on the other side of the aisle. When in doubt, when you can't say anything about the economy under this White House and 6 of the last 8 years under colleagues on the other side of the aisle, when you can't say anything about soaring deficits, when you can't say anything about the inaction and unwillingness of the White House to work with us in a manner that will quickly respond to the housing crisis; when you can't say anything about any of those things, what do you say about Democrats? Well, it is the tired, old refrain of tax and spend.

I wish to remind my colleagues that this budget resolution is 1 percent higher than the President's budget resolution—1 percent higher—and it returns to a surplus. In other words, we balance the budget in 2012 and in 2013. It is a 1-percent difference. What does that mean? This is not about tax increases on low-income or middle-income families. This is not a budget that is focusing on adding costs to families. This is a budget that focuses on taking costs off families and valuing work and creating opportunity and investing in the future of our children with education, focusing on the things Americans want to see focused on. People in America are saying, what about us? We are seeing a war where we are spending $12 billion a month, unpaid for—hundreds of millions of dollars that have gone into rebuilding roads and schools in Iraq, even though they have oil revenues and have not been contributing, as they should, to rebuilding their own country. People in America are saying, what about us, our roads, schools, and jobs in America?

That is what this budget addresses. We focus on the future and on making sure American families have the confidence that we are putting them first. Last year, Congress began fixing the fiscal mess caused by the administration's 6 years of neglecting the homefront. This budget continues that effort by focusing on what is most important to American families.

We have three priorities in this budget: jobs, jobs, and jobs. I am very proud of that.

Today, we are bringing fiscal sanity back to our budget, while at the same time investing in a plan that will create good-paying American jobs, including rebuilding our Nation's aging infrastructure, our roads, bridges, and other infrastructure—in other words, rebuilding American jobs, rebuilding America, with jobs that cannot be outsourced overseas—good-paying jobs, middle-class jobs—investing in America.

Promoting education and job training is so critically needed in this fast-paced, changing world we live in. There is also investment in the future of our energy economy. I am proud my green collar jobs initiative is a part of that. Let me speak to that for a moment. As part of our effort to create jobs and look to the future, I was very pleased that the Senate included my green collar jobs initiative, and that it is substantially intact as it comes out of the conference committee. We focused on 5 areas in the proposal that we put forward: energy efficiency, and conservation, jobs, weatherizing buildings, grants to State and local communities for energy efficiency, and conservation. We can immediately create thousands and thousands of jobs by doing the right thing on energy efficiency and conservation.

Secondly, there is advanced battery technology. When you come from my great State, where we are proud to make automobiles, the buzz word these

days is ''batteries.'' If we are going to compete and meet our mandate on fuel efficiency and move away from dependence on foreign oil, we have to be investing in advanced battery technology. Right now, China, Japan, and South Korea are ahead of us. When Ford Motor Company decided to make their first hybrid SUV—and I am proud they did that—they could not find a battery in America. They had to buy that from Japan. With all of the American ingenuity and the smart people we have, we have not been investing in advanced battery technology.

Last year, the President's budget had something like $22 million in it versus the hundreds of million around the world. Our plan that we passed here in the Senate had $250 million in investment in advanced battery technology to make sure we can do the plug-ins, and that GM can quickly move on this technology, and Chrysler is investing in hybrids and other technology, so our companies can compete globally because America invests in our technology.

Retooling older plants. We don't want to say come over and we will build you the plant. We want to keep the jobs in America.

As to biofuel production and access, we know we have spent a lot of energy on biofuel production.

Infrastructure and assets are very important. It is great to make the fuel. We want to grow it in Michigan—and we are—but if you cannot buy it at the pump, it doesn't do much good. This focuses on that as well.

Finally, green job training programs, to create new opportunities. That is what this resolution is all about—value work and looking to the future. This budget provides, as well, $2.5 billion more than the President requested for transportation accounts for rebuilding America. It fully funds the highway and transit programs authorized by the highway bill and includes funding for airport improvement—all things that help us and our communities create safer ways to be able to move around, whether it is airports or roads or whether it is commerce or families going on a vacation or going back and forth to work. These are investments in America. It is about creating good-paying jobs.

The Department of Transportation estimates that for every $1 billion in highway spending, you create 47,500 good-paying middle-class jobs. This budget recognizes that. It also creates $2 billion in economic activity for every $1 billion we invest in infrastructure.

I am glad to see, for the benefit of our country and our families, that the conferees have also invested in other important areas related to education and job training for the future. This is absolutely critical for us.

This budget resolution reflects the values and priorities of the American people. It makes sure we are rejecting the President's efforts to eliminate the COPS program. We want to keep our families safe in their communities, with our children being able to play in parks and on the streets, and know that we have community police officers available to help keep them safe. Then there are the Byrne grants to help our first responders, the firefighters and police officers.

We also, I am proud to say, keep the promise we began last year to fully fund veterans health care as a major priority for our country.

So there is a lot to celebrate in this budget. On top of the new investment and new priorities and changing the way things are done, these investments are paid for because we are following what is called the pay-go rules, which helped balance the budget back in the 1990s and brought us into surplus at the end of the last decade.

We cannot mortgage our children's future, as the administration has done, with soaring deficits and record spending that is not paid for. Instead, we invest in our children's future, in our families, and we balance the budget by 2012.

Again, I congratulate our chairman for his tenacity, his passion, and his commitment to doing the right thing, doing it in a fiscally responsible way. We have all worked so hard to lay out a vision of America that is about jobs, about the future, about investing in America. It is time we did that. The American people expect us to do no less.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I thank the very able Senator from Michigan, Senator STABENOW, who is an extremely valuable member of the Budget Committee, for her contribution throughout the budget process this year. She has been an absolute champion of the green jobs initiative. We have $2 billion in this conference report for green jobs, which is not only going to help the economy, but it is also going to be good environmentally, and we think even better long term in the economics of the country, because we are going to have, as the world turns its attention with greater concern to environmental issues, high-paying jobs here in this country.

That takes some work, some investment. That is provided for in this conference report. Frankly, it is one of the things I am most proud of in this conference report. It would not have happened without the effort of the Senator from Michigan. She deserves great credit for that. She has also been one of the real leaders on making certain that our veterans coming home from Iraq and Afghanistan have the health care they need and deserve. That is the second part of this bill of which I am especially proud—the additional resources—some $3 billion above what the President requested—for health care for our Nation's veterans.

A third area in which the Senator from Michigan has been especially helpful has been the health care. She has championed health information technology, and we have a reserve fund here to take advantage of the opportunity that is out there for the Nation by more broadly adopting the use of information technology in medical care.

The RAND Corporation has told us—and the Senator has brought it to our attention repeatedly, and that is why it is very much in my mind—that we can save $80 billion a year, if I am not mistaken, if we would broadly adopt information technology in the health care industry, the health care sector. Think of that—$80 billion a year, over 5 years. That is more than $400 billion. So that makes common sense.

I will conclude by saying I think this has been a healthy and full debate today. We have had almost 4 hours, which is about typical on a conference report. I am being informed by the leadership we will not vote until tomorrow morning. I am told that the likelihood is that the budget, which is subject to agreement with both sides—I am being told of the likelihood that the budget vote will not occur until perhaps 9:30 tomorrow morning. I am told the farm bill override vote will also, most likely, occur tomorrow.

I don't have that conclusively, but that is the initial indication I am receiving, that that is the most likely outcome. So I urge Senators not to jump in their cars and head home without checking out with leadership staffs on both sides, but that in fact is the likelihood. I don't think I have anything further to add.

I do think we have laid out the case for this conference report clearly and, I hope, in a compelling way. This has been a difficult challenge—to write a budget in an election year. We know the Congress has not adopted a budget in an election year since 2000. It is extraordinary, if you think about it. This country, in an election year, has not had a budget since 2000. That cannot be the way we do business around here.

I am very proud we had a budget last year. I am very proud we are on the brink of getting a budget this year, even though it is an election year. I hope that sets an example for whoever is in charge that getting a budget does matter.

We have to bend our best efforts on both sides to make certain that this country, the greatest nation on Earth, has a budget. That is about as basic as it can get.

I again thank the Senator from Michigan for her leadership and her great assistance on the Budget Committee and also on the Agriculture Committee on this very important legislation on which we will be seeking to

override the President's veto. That bill really should not be called a farm bill. It is far more than that. It is a food bill, an energy bill, a conservation bill, a trade bill, although inadvertently the enrolling clerk over in the House dropped off the trade title. So that will create a bit of a challenge for us as well.

I thank very much the Senator from Michigan.

Mr. President, I ask unanimous consent to have printed in the RECORD data on pay-go.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GOP CLAIMS ON PAYGO FULL OF HOLES

Alleged "Real PAYGO Violations"

	Claim	Fact
Immigration Reform —Never passed Senate. —Fully paid for on unified basis.	$30.3 B	0
Energy Bill —Final bill sent to President more than paid for. —Passed Senate 86–8.	4.2 B	−$52 M
Mental Health Parity —In conference—final bill will be fully paid for. —Passed Senate by unanimous consent.	2.8 B	0
Prescription Drug User Fee Amendments —Final bill sent to President more than paid for. —Passed Senate by unanimous consent.	0.2 B	−4 M
Minimum Wage Increase —Fully paid for on unified basis.	50 M	0
Water Resources Development Act —Final bill sent to President more than paid for. —Passed Senate 81–12.	4 M	−5 M
TOTAL	$38 B	61 M

Source: SBC GOP "Swiss-Chesse-Go" chart, SBC Majority staff.
Note: Minimum wage increase in 2007 supplemental was fully paid for on unified basis, but had small net on-budget cost.

Alleged "Gimmicks to Get Around PAYGO"

	Claim	Fact
SCHIP Reauthorization —More than paid for over 6 and 11 years. —5-year reauthorization—Congress will reauthorize in 2012 with new policies and offsets.	$45 B	−$207 M
Farm Bill —More than paid for over 6 and 11 years. —5-year reauthorization—Congress will reauthorize in 2012 with new policies and offsets.	27.5 B	−102 M
Higher Ed Reconciliation Bill —More than paid for over 6 and 11 years —Savings will continue to grow in decades beyond budget window.	26 B	−752 M/5 yrs 3.6 B/10 yrs
2007 Supplemental—County Payments/PILT/MILC —PAYGO rule applies to mandatory spending and revenues only—not to appropriations. —Discretionary spending controlled by separate caps. —2008 budget resolution established new 60-vote point of order to limit changes in mandatory spending on appropriations bills and strengthen PAYGO even further.	6.5 B	0
TOTAL	105 B	−3.9 B

Source: SBC GOP "Swiss-Cheese-Go" chart, SBC Majority Staff.
Note: Per section 201 of 2008 budget resolution, net savings enacted pursuant to reconciliation are not included on PAYGO ledger. They are reserved solely for deficit reduction.

Mr. BAUCUS. Mr. President, this budget resolution conference report allows Congress to take action on many of America's priorities.

This conference report starts by providing for many priorities through the revenue side of the budget.

This agreement includes monies to pay for extending expired and expiring revenue provisions.

These provisions include the teacher expense deduction, which helps teachers who buy school supplies.

These provisions include school construction bonds, to help repair our country's deteriorating school infrastructure.

And these provisions include help to businesses to stay competitive. In particular, the budget assumes extending the research and development credit, which gives businesses an incentive to increase research. This will keep America as a top innovator in science and technology.

This conference agreement on the budget resolution also includes monies to provide for education tax reform. So far this year, the Finance Committee has held two tax reform hearings. One of the major themes of the testimony has been simplification.

Witnesses almost always cite education tax incentives as an example of needless complexity. This conference report would allow us to help make education more accessible and affordable by making the education incentives easier to use.

The agreement also includes my amendment that was successfully added to the budget resolution on the Senate floor.

My amendment took the surpluses in the budget resolution and gave them back to the hard-working American families who earned them.

My amendment provided for some important priorities so that the business of America's families can be taken care of.

First, my amendment provided for permanence of the 10-percent tax bracket. That is an across-the-board tax cut for every taxpayer.

Second, my amendment provided for making permanent the changes to the child tax credit. That is a $1,000 tax credit per child. This tax credit recognizes that a family's ability to pay taxes decreases as the family size increases. Unless we act, the child tax credit will fall to $500 per child in 2010.

Third, my amendment provided for making permanent marriage penalty relief. This relief makes sure that a married couple filing a joint return has the same deductions and tax brackets as they would if they filed separately as individuals.

Fourth, my amendment provided for making permanent the increased dependent care credit and changes to the adoption credit.

Fifth, my amendment provided for tax provisions to help military families. And I am pleased to say that these are very close to being adopted by the Congress. This shows that Congress values the sacrifices that our men and women in uniform make for us every day.

Nearly 1½ million American service men and women have served in Iraq, Afghanistan, or both. Nearly 30,000 troops have been wounded in action.

Congress is about to show our support for our service men and women by making the Tax Code a little more troop-friendly.

We will extend the special tax rules that make sense for our military that expire in 2007 and 2008.

We can eliminate roadblocks in the current tax laws that present difficulties to veterans and servicemembers.

One of these roadblocks is how the Tax Code treats survivors of our fallen heroes. The families of soldiers killed in the line of duty receive a death gratuity benefit of $100,000.

The Tax Code restricts the survivors from putting this benefit into a Roth IRA. We are about to make sure that the family members of fallen soldiers can take advantage of these tax-favored accounts.

Another roadblock in the tax laws impedes our disabled veterans. I am talking about the time limit for filing for a tax refund. Most VA disability claims filed by veterans are quickly resolved. But many disability awards are delayed due to lost paperwork or the appeals of rejected claims.

Once a disabled vet finally gets a favorable award, the good news is that the disability award is tax-free. The bad news is that many of these disabled veterans get ambushed by a statute that bars them from filing a tax refund claim. We are about to give disabled veterans an extra year to claim their tax refunds.

Most troops doing the heavy lifting in combat situations are the lower ranking, lower income soldiers. Their income needs to count towards computing the earned-income tax credit, or EITC. Under current law, however, income earned by a soldier in a combat zone is exempt from income tax. This actually hurts low-income military personnel under the EITC.

The EITC combat-pay exception allows combat zone pay to count as earned income for purposes of determining the credit. That way, more soldiers qualify for the EITC. But this EITC combat-pay exception expires at the end of 2007.

We are about to make this provision permanent.

The budget resolution conference report also provides for some certainty to American families on the estate tax.

Lowering the estate tax to 2009 levels is the least that we can do as estate tax reform.

I am pleased that the conference report recommends appropriations of $240 million more than the President requested for the administrative costs for the Social Security Administration for fiscal year 2009.

These funds are badly needed to reduce the enormous waiting times that many applicants for Social Security disability benefits must wait before their claims are finally approved. Funds are also badly needed to improve the low levels of service to the public in SSA's local field offices.

I am pleased to see that the resolution captures Democratic health care priorities and provides economic relief

for families. It provides funding for maternal and child health; nutrition assistance for women, infants, and children or WIC; and the Social Services block grant. And the resolution accommodates legislation to modernize the unemployment insurance program.

The resolution retains the reserve funds passed in the Senate to reauthorize CHIP and expand coverage to eligible but unenrolled kids. This is a personal priority for me.

The budget also works to protect seniors from unscrupulous marketing of Medicare drug plans, thereby laying the groundwork for a strong Medicare bill currently under negotiation.

The resolution also provides for important improvements to Medicare, such as promoting the use of Health IT.

And it would set up a ''comparative effectiveness'' reserve fund to help us learn what treatments work best and most efficiently to keep Americans healthy. I am working with Chairman CONRAD to introduce legislation on this topic this year.

All of these investments take steps toward addressing the underlying growth in health care costs.

The resolution is also tough on government waste, fraud, and abuse and includes important program integrity initiatives to crack down on wasteful or fraudulent spending in the Social Security, Medicare, Medicaid, and Unemployment Insurance Programs.

This budget resolution also accounts for important international trade priorities under the Finance Committee's jurisdiction. The resolution establishes a reserve fund for trade adjustment assistance and a separate reserve fund for other trade initiatives. These reserve funds will allow the Finance Committee to realize legislation to reauthorize trade adjustment assistance, as well as pursue legislation to extend trade preferences, reauthorize customs functions, and implement bilateral trade agreements.

Mr. President, I am thus pleased that this budget resolution conference report allows Congress to take action on these important priorities. I look forward to working with my colleagues to implement the improvements contemplated in the resolution. And I urge my colleagues to support the conference report.

The PRESIDING OFFICER (Ms. STABENOW). The distinguished majority leader.

Mr. REID. Madam President, I am sorry to interrupt my friend from North Dakota, but we are not going to have any more votes tonight. We expect votes early in the morning, as early as 9:30. They will go on throughout the day. So everyone should be aware we are not going to have a vote tonight on the budget or the farm bill, but we will do the budget the first vote tomorrow, and after that we will move to the farm bill.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, I thank the leader. I was thinking about this the other night. We don't thank the leader enough. We are blessed on our side with a leader whom I think every Member on our side has high confidence in because of his good judgment, his fairness, his balance, his willingness to listen and then decide. Even though he may not always agree with any one of us on a particular issue, he always listens, and he does it with respect, and then he decides. He makes a decision. I thank him for it. I know the role of leader is absolutely the toughest job in this town. It is an extremely difficult, demanding job, and our leader does an outstanding job of it. That is why he enjoys the confidence of our colleagues and the affection of our colleagues.

Mr. REID. Madam President, if I may thank the Senator from North Dakota but also say there isn't anything that I agree to out here that doesn't have the full consent of the Republican leader. So even though Senator MCCONNELL and I in public kick and bite and scratch and all those things, I have the ability to work with him on issues, which makes it possible for us to get business done outside the press and a lot of times Senators.

I really appreciate my friend from North Dakota. He and I came to the Senate together. I can remember the first time I saw KENT CONRAD. It was in the LBJ Room. It wasn't named the LBJ Room at the time. We were there for the purpose of indoctrination—I don't know the right word—but we were nominees of our parties. We were running for the Senate in 1986. Neither one of us was expected to get elected. We were both long shots. He was running against an incumbent Senator. I was running against President Reagan and Paul Laxalt. But we surprised them; we won.

We have such a warm relationship. I love Lucy, his wife. When we first came here, a lot of people mixed up Landra and Lucy because they are both short, somewhat dark complected, but we don't mix them up.

I say to the people watching C–SPAN, the only Senators in this Chamber are Senator CONRAD, Senator REID, and Senator STABENOW. Senator STABENOW has indicated in a meeting we just completed that she said the right thing at the right time to help us get to where we are today.

I am embarrassed with the kind words of my friend from North Dakota, but I thank him very much.

Mr. CONRAD. I thank the leader.

Madam President, I wish to indicate to the Chair that we have one other Member on our side who is going to come to the Chamber to talk. Senator WHITEHOUSE is going to come. I think he will only be seeking about 15 minutes, I say to the Chair. He will be here in 10 minutes. He will seek only about 15 minutes. I mentioned this to Senator GREGG. So after Senator WHITEHOUSE, other than Senator DODD, who might still come for 6 or 7 minutes, that will complete speakers on our side. Senator GREGG told me he does not believe he has any further speakers on his side.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

THE BUDGET

Mr. WHITEHOUSE. Madam President, as we conclude the discussion on the budget, in which the Presiding Officer participated so eloquently just a few moments ago, I wanted to come to the floor because there is a significant feature in America's fiscal picture that affects this budget considerably but has not really gotten the attention it deserves; that is, the debt of the United States of America that has been run up by President George W. Bush. It is a frightening legacy, really, because of the weight, the fiscal burden of it that will weigh on our children and our grandchildren.

If I may, we calculated the Bush Debt at $7.7 trillion, and we did it this way. We took the projections for the U.S. budget on the day George Bush took office, which, as the Presiding Officer may recall, projected that we actually would have no debt left at all in our country by as early as fiscal year 2009—and, indeed, there was economic debate among America's leading economists wondering if it is really good for our country for America to be completely debt free. What is the ideal level of debt? Should we maintain some level of debt? Are there potential problems if the United States were to be completely debt free? That was the discussion. That was what America was looking forward to.

The nonpartisan, professional Congressional Budget Office had a projection on where that budget was going to go on the day George W. Bush took office, and that is the top line of our projection. We call it the Clinton budget landscape because it resulted from the economic policies of the Clinton administration which left this country in such good health for President George W. Bush. That was what could have been. The other line is what he did, what this country has done to itself fiscally under George W. Bush. When you compare the difference between the upper line, where the country was going, and where George Bush took us, the difference is the Bush Debt, and it amounts to $7.7 trillion. To me, that is an almost unimaginable number. So just to kind of give an idea of how many zeros that will be, this is what it looks like. That is $7.7 trillion. Even in the great State of Michigan, where the Presiding Officer hails from, that is a

big number. To somebody like me, from Rhode Island, it is almost unimaginable. So I asked my staff to give me some means of comparing, some way of thinking about how big that number is.

This is a penny. And I asked my staff: If a penny was $1 billion and you put a stack of pennies on my desk here, how high would that stack of $1 billion pennies go to make $7.7 trillion? Well, they found out that the stack of $1 billion pennies would have to go 39 feet high to amount to $7.7 trillion. I don't think the television camera can take this in, but from here to the very top of this room is about 39 feet of $1 billion pennies. That is the enormous burden on our country from the improvident, wasteful, feckless policies of the Bush administration.

I have a credit card. The distinguished Senator from Michigan has a credit card. If we borrow money on our credit cards, we have to pay interest. American families across the country work to pay interest on mortgages, on credit cards, and on loans of various kinds. Well, guess what. We have to pay a lot of interest on a debt such as we have. And in the recent budget, as the Presiding Officer will recall, that we just passed in the Budget Committee and that we are discussing on the floor, there is $260 billion in interest, much of it paid to foreign countries, on our national debt—$7.7 trillion of it run up by one administration, the administration of George W. Bush.

Now, that $260 billion is another pretty big number. So I asked: What could we do with $260 billion if we didn't have to give it to the Saudis and the Chinese and the Mexicans and everybody else we have borrowed money from to fund George Bush's $7.7 trillion debt? Well, here is what we could do: For starters, we could pay for health insurance for everyone. We would have universal health care in this country. And you know what, there would be money left over. With the money that was left over, you could also add a million children—a million children—to Head Start Programs. Universal health care for everyone, a million extra children getting Head Start, and still there would be money left over. You could double every Pell grant, which helps kids in America pay for college and reach out and seize their futures. Universal health care, a million extra kids in Head Start, and doubling every Pell Grant. And there would still be money left over. With that last bit of money left over, you could repair or replace 95 percent of the bridges that currently need repair and reconstruction in America—not 100 percent, only 95 percent. You would have to wait until next year to do that last 5 percent.

That is what the cost to us is of an administration and a Republican Congress that ran up $7.7 trillion in debt.

So I appreciate very much the ranking member who spoke eloquently last week about the problem of that last $9.6 billion in discretionary spending we authorized in the Senate-passed budget above the $1 trillion mark. We wouldn't need to worry about that $9.6 billion if his colleagues and President Bush hadn't run up $7.7 trillion in debt for Americans to have to pay in the future because this administration, frankly, was too cowardly to pay its own way and has borrowed from future generations to pay for the war in Iraq and to pay for tax cuts for the richest Americans. In a country where the difference between the wealthy and the poor, between the CEOs and the workers is growing dramatically, is straining the very fabric of our society, instead of bringing us together, what was the President's solution? Lots more tax cuts for the very richest people, who are doing the absolute best already, the ones who have nothing to worry about except whether they take the Lincoln or they take the Benz. They are the ones who need the tax cuts in this country? I don't think so. But the President did, and he didn't even have the guts to pay for it or find the cuts. He borrowed the money. That is why we are at $7.7 trillion.

So I think it is fascinating that we are having this budget discussion. I want to salute our chairman, Senator CONRAD, who is absolutely brilliant with the budget. He works so well with people in this body and has such enormous credibility that he is able to work through issues in a very special way—in large part because of his personal character and his credibility. We all benefit from his being able to do that.

But he has had to work very hard to try to bring this budget into balance, 3 or 4 years out from now. It is not easy work, putting this budget together.

When people come to the floor and criticize his efforts and try to knock $9.6 billion off and worry that this might not be fiscally prudent, it is astonishing when those remarks come from the people who aided and abetted George Bush in running up $7.7 trillion in money that we owe now to the rest of the world, that we will have to pay off indefinitely, that will be a weight and a burden on the shoulders of this country for decades if not generations.

I actually think we need to do something about the $7.7 trillion Bush Debt. I recommended that we have a formal commission of some kind, an authority whose job it is to take the best and the brightest people who understand our economy and figure out how we pay down $7.7 trillion. It is really a disaster.

Some of us have served in State government before we came here. Some of us have served in municipal government. If there is a crisis at the State government level—an economic crisis—if a municipality has a terrible fire in a facility and has to rebuild, you take that problem and you set it aside and you create a revenue stream and you deal with it. You don't try to force it through the regular operating budget of the State or of the municipality.

We may be at the stage where the Bush Debt of $7.7 trillion is so serious for us fiscally that we should start thinking about getting together a group of the most learned economists, the people who care the most about America's future, who see the hazard to our welfare, to our national security that this kind of debt creates, and can think creatively about how we can set up special revenue streams to pay it down and begin to bring our country back in balance.

I appreciate the courtesy of the Chair in listening to these remarks. I did think as we closed out the budget debate it was important to remind everybody that, for all the big talk the Bush administration may make about fiscal prudence and about being responsible, it is the most fiscally imprudent and the most irresponsible administration in our history. Indeed, President Bush alone has borrowed more money from foreign countries than all 42 Presidents who preceded him—not any one of them, all of them. If we add up everything they borrowed through the entire history of the Republic, in just one Presidency he has them beat.

It takes a little brass to be able to come and argue for fiscal prudence and responsibility and not mention that President Bush and the Republican Congress ran up $7.7 trillion in debt. I thought we should think about it and reflect on that as this debate concludes.

I appreciate working with the very distinguished Senator from Michigan. Her work on the Budget Committee is very valuable. She is a wonderful colleague to me, and I appreciate the indulgence this evening.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CASEY). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. I ask unanimous consent to speak up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLIMATE CHANGE

Mr. BROWN. Mr. President, both the international community and experts from across our country have come to a definite consensus. Climate change is not a theory. It is a reality. We may not like it, but we have to confront it. Rising temperatures, melting icecaps, and extreme weather show the increasing effects of global warming in the United States and especially around the globe. Without action, we will be unable to avoid dangerous consequences for our children, grandchildren, and subsequent generations. We risk the health of our citizens, the

well-being of our coastal areas, the productivity of our farms, forests, and fisheries.

There is solid support in this institution and around the country for a mandatory cap-and-trade approach to reducing carbon emissions. All three Presidential candidates—Senators OBAMA, CLINTON, and MCCAIN—and both political parties have agreed on this philosophy. The Senate passed the Lieberman-Warner bill out of committee in December. It is likely to reach the floor of the Senate in the next few weeks. I am not saying a climate change bill will pass this year. I am saying a climate change bill will pass. No more burying our heads in the sand, no more ignoring the issue and putting it off for another day. It is not a question of whether; it is a question of when and a question of what it will look like.

As a manufacturing State reliant on coal—not too different from the State of the Presiding Officer—Ohio is going to be significantly affected by the climate change bill regardless of its specifics. I am working with Senators from other industrial States—Senators CASEY, BAYH, LUGAR, DURBIN, STABENOW, LEVIN, and others—to ensure that the effects on manufacturing jobs are considered as this legislation is drafted. We can't shut our eyes or turn our backs or hope that global warming goes away and becomes someone else's problem. That is not going to happen. But we can maximize Ohio's gains, Pennsylvania's gains, the gains of other States, and minimize those losses, looking first at the opportunities presented to us by global change legislation.

The mandatory cap-and-trade approach to climate change will create a market for clean energy and green jobs. By creating markets for clean energy, we can stabilize our Nation's energy supply, reduce greenhouse gases, and bolster manufacturing in Lima, Zaynesville, Toledo, and Ashtabula. It has been estimated that in terms of a global market, the advanced and alternative energy sector will double several times over in the next decade, from a $55 billion industry to a $226 billion business. Wind power alone, it is estimated, will grow from $18 billion to a $61 billion market. In the last 15 months, I have conducted roundtables in Ohio, bringing together 15 or 20 people to talk about problems, about their communities. You can see what is happening in a State such as mine.

The Cleveland Foundation, in conjunction with Case Western Reserve University, is going to build a field of wind turbines in Lake Erie, the first time wind turbines have ever been placed in a freshwater lake.

I have seen the Composite Center in Dayton which makes new, lighter, stronger materials, initially for airplanes, now for fuel-efficient automobiles and wind turbines. The University of Toledo is doing some of the best wind turbine research in the United States. In Columbus and Ohio State, there is the Center for Automotive Research, the work they are doing for more fuel-efficient automobiles. Today I talked with someone who was visiting Washington from Battelle Institute. They are doing astonishing things on a whole range of issues; Stark State and Rolls-Royce on fuel cells. Oberlin College has built the largest building of any college campus in the country fully powered by solar energy. The problem is those solar cells and panels are not made in this country because we don't make them. They were bought from Germany and Japan.

At the same time, we are seeing the largest solar company in the country producing near Toledo in Perrysburg. In Ashtabula, right across the border from Erie, we are seeing components for wind turbines. In place after place, Ohio is helping to lead the way to make my State the Silicon Valley of renewable energy.

Ohio has the potential to create 20,000 new jobs through renewable energy projects. That puts Ohio second only to California in terms of potential job creation. But we have a lot of work to do. Any climate change legislation must invest in the deployment of renewable energy technology and promote green job growth. That is why I introduced legislation called the Green Energy Production Act last month. It is an energy bill, an environment bill, and a jobs bill. The bill creates a government corporation that will set up loan programs and grant programs for green energy manufacturers, mostly small businesses, to get them to develop products and get them to market.

Over 5 years, the bill would invest $36 billion with no political strings attached, no Government picking winners and losers but companies that need capital that are just taking off, small businesses, businesses that need to grow, businesses that need to expand. Some $36 billion will be invested in green energy manufacturing. We have great R&D in my State, but the big problem is commercialization, the key to creating jobs in my State.

Speaking of jobs, we can't overlook the tremendous challenges the industrial Midwest will face under climate change legislation. My State is the seventh largest in the country by population. We are the fourth largest carbon-emitting State, behind California, Texas, and New York. In the past year and a half, I have held roundtables all over my State in some 60 of the 88 counties. They have given me an opportunity to be with workers and business people and civic leaders and local government officials.

One thing is crystal clear: Ohioans are anxious about their communities' futures, and the statistics match their anxiety. More than 40,000 manufacturing plants have shut down in the United States since 2001. More than 3.3 million manufacturing jobs have been lost, about one-sixth of all U.S. manufacturing jobs. My State has lost more than 200,000 jobs. Pennsylvania is comparable. The simple fact is, our economy cannot prosper unless we manufacture and sell goods as a State and a nation. Manufacturing is too important to the prosperity of this country and to our economic and national security. Manufacturing is too important to ignore, as this Government has done in the last few years.

I know, given a level playing field, our companies can outcompete any around the globe. Any climate change legislation must be developed in conjunction with manufacturers to ensure U.S. competitiveness with other growing industrial giants in the world, particularly China and India. We must work together to ensure that domestic manufacturers are protected from imports that come from countries without comparable climate change legislation. That means working together to provide appropriate transition assistance to our energy intensive industries. My State, in some sense, specializes in energy-intensive industries—steel, chemicals, glass, cement, aluminum. We must work together to minimize any economic harm while ensuring the environmental integrity of the climate change legislation.

The bill that came out of committee needs to do a better job. It has made progress from the original bill to the substitute bill brought forward by Senator BOXER. It has made major progress, but it has to do a better job of addressing the need, particularly in people's own personal electric bills and the cost of energy to manufacturers. The bill needs to help low- and middle-income consumers who will face higher energy costs and must help communities and workers who are displaced due to a shift from coal power. It means providing support necessary to create green jobs in Ohio and across the Midwest, and it means helping those energy-intensive manufacturers I was talking about with their energy costs and with unregulated international competition. Some environmental groups quote economic models saying that business under a cap-and-trade program will be all wine and roses. They are on one side. Some business groups are touting economic models that predict climate change legislation will send us all back to living in caves. Both sides are wrong. It is not going to be that easy, but it is also not going to put American business out of business.

One last point. When you talk to people about climate change, one of the first questions that always comes up is what do we do about China and India. If they are not going to, why should we, in some sense, unilaterally disarm as a country, putting more and more costs on Ohio businesses in Cleveland, Columbus, Dayton, Cincinnati? Why should we put more cost on these businesses, when China and India are not doing that? We have three possibilities. One is do nothing. That is unacceptable. We have two other possibilities:

To work with countries around the world on bringing them to a level of climate change comparable to the level we want to get to; one is multilateral environment and climate change agreements, negotiations, Kyoto-type agreements among all the major industrial powers in the world. That will take years. That will perhaps only be as successful as Kyoto, which wasn't very successful, ultimately.

The other path to walk down is what we do about trade legislation, about accepting those products coming into the United States from other countries. When we have pretty strong environmental laws, you know in your State what has happened with the steel industry, where they have put huge numbers of dollars into scrubbers and other kinds of environmental cleanup. China and India, frankly, don't do that. When we buy products from China and India, we buy steel from them, discounting the issue of toxic toys and contaminants in vitamins and all the unsafe products they send us that are ultimately consumer products, but when we buy steel from China and India, that steel is made by cheaper labor, and it is also made with very weak environmental rules.

The only way to change that, to get China and India to the table, if you will, if we will not do the negotiations that will be so difficult and tedious and take so long, is to say, every time we import steel from China and India, steel where there is an environmental cost in its production, we charge a tariff at the border, a tariff reflecting the cost that they have not borne but that our manufacturers bear on the production of that steel. So why should a steel company in Lorain or a foundry in Mahoning Valley have to pay these huge additional costs under climate change to deal with their carbon emissions, when people in China and India don't? The only way to equalize that and to make this competitive and keep American business competitive is to figure out what it actually costs China and what moneys China and India save by not coming up to the same level of environmental protection that we do.

That should always have been part of the trade debate. The Bush administration has never believed that. That is one of the reasons we have lost so many manufacturing jobs in my State, since President Bush took office—bad trade policy, bad environmental policy, bad labor policy.

Ultimately, this climate change issue is going to be about equalizing the cost of making air cleaner, limiting carbon emissions, dealing with all the issues around CO_2. The way to do that is through a trade policy that works for us, for China, for India, and especially works for our grandchildren, great-grandchildren, and those subsequent generations. We must work together in this institution to shape legislation that truly addresses global climate change while protecting our manufacturing jobs. That means working assiduously with countries around the world in reaching those goals.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENSIGN. Mr. President, I ask to speak in morning business.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

LESSONS FROM 1787

Mr. ENSIGN. Mr. President, I rise today to address some of the critical issues this body faces at this point in history, and to reflect on why these challenges are surmountable if we focus on working together to forge ahead.

These are clearly not easy times. We are engaged in a global battle for the future of freedom. We are up against radical Islamic extremists who will do anything they can to annihilate those who do not live and believe their way.

At home, we face some daunting questions when it comes to expanding opportunity for all Americans. So do we follow a proven path of tax relief? Can we change the way we educate our children to prepare them for global competition in the 21st century? How do we provide quality health care that is accessible and affordable for all of our families? How do we secure our borders and strengthen legal immigration? Can we come together to make difficult decisions about the future of entitlements before they bankrupt this country?

Today, we face the task of funding the global war against Islamic extremists, providing our troops with the resources they need and prioritizing funding so we do not incur unnecessary debt.

Yes, these are tough questions, with serious consequences. But more than two centuries ago, a group of patriots convened to write our Constitution, and they provided the framework for the Government in which we have the honor to serve today.

They faced questions we take for granted centuries later but which could only have been resolved by incredible vision and the grace of God.

As Delegate James Wilson stated:

. . . we are providing a Constitution for future generations and not merely for the circumstances of the moment.

How votes would be apportioned in the Congress was one of the first and most difficult questions this convention tackled. The smaller States wanted an equal vote, and the larger States, obviously, preferred a proportional vote. Some argued that the vote in the lower House should be based on taxes paid. There were threats of breaking up States to make them smaller and more manageable to govern. Decisions had to be made regarding the terms of Members of Congress. How would they be paid? What powers would be granted to the Government?

Remember, this was a country that had fought its way out from under the control of a powerful monarchy. The Framers of the Constitution were incredibly aware of that fact.

The Great Compromise was the measure that gave every State two Senators. But would foreigners be permitted to serve in the Congress? Where would the seat of Government be? Would officers of the Government be required to swear an oath to support the Constitution? Who would ratify the Constitution—the States or the people?

To think today about the number of decisions and compromises that were made over the course of a summer is humbling. The North Carolina delegates wrote to their Governor:

A very large Field presents to our view without a single Straight or eligible Road that has been trodden by the feet of Nations.

Yet great thought, debate, and deliberation went into every single decision. Issues were often revisited time and again before a consensus was painstakingly reached.

The Constitution was by no means thrown together quickly or haphazardly. Once decisions were ultimately made about the branches of Government and their powers, a document needed to be artfully drafted to steer the United States in 1787 as well as for generations to come. The product was nothing short of miraculous. Yet the Constitution was still not a done deal.

The Constitution and its revolutionary ideas had many supporters, but it also faced fierce opposition. It was described as ''a most ridiculous piece of business'' by some. Those who stood against the Constitution honed in on people's fears. After all, this was a completely experimental government with no proven model to follow. As delegate Davie of North Carolina declared: ''It is much easier to alarm people than to inform them.''

Fortunately for this Nation the constitutionalists prevailed. To study the transformation of a blank slate of hopes and aspirations to a functioning Constitution that would guide a democracy for more than 200 years is awesome. There are several valuable lessons that I wish to share with my colleagues.

It is difficult to pass legislation today with a closely divided Senate. It was painfully difficult to make decisions about forming a new government and then determine and agree on what should be included in our Constitution. To make progress even more frustrating, a subject already voted on could be reconsidered again the next day and voted on again.

But these men did not let the process interfere with their progress. Their experience and their reasonableness

shined during the most difficult days. They understood if they were serious about creating this Constitution, they would have to work together and consider and respect each other's differences.

In the end, the Constitution was the work of those for it and those against it. They came to many compromises in order to make the final product that all could live with. John Adams described the Constitution as:

If not the greatest exertion of human understanding, the greatest single effort of national deliberation that the world has ever seen.

Although I serve as chairman of the National Republican Senatorial Committee, I have always prided myself on reaching across the aisle to work for the common good. For example, my home State of Nevada has greatly benefited from the work Senator REID and I have done together on several public lands bills. He brings certain people to the table who trust him; I bring others to the table who trust me. We encourage a dialogue that has resulted in crucial legislation for our State. I imagine this is the kind of give and take that made the Constitution possible.

Another important lesson from the Constitutional Convention was the understanding of the implications that our leaders' words have around the world. There were people who were completely opposed to the Constitution, but they knew how damaging their opinions could be, especially if those opinions were made overseas.

Benjamin Franklin stated:

The opinions I have had of its errors, I sacrificed to the public good. I have never whispered a syllable of them abroad. Within these walls they were born and here they shall die.

I think this is a critical flaw that is too often made in this body today. Our words have consequences. Today, it is much more difficult to contain what we say. Technology ensures that our enemies have access to the same television shows, Internet sites, and newspapers that our citizens have today. It is naive to think that a debate on the floor about retreating from Iraq has no impact on those plotting against us. It absolutely feeds into their strategy and their hope for our failure and our demise. We should all remember Benjamin Franklin's approach of working to contain our opinions that may be harmful to our Nation.

Finally, there comes a time after a contentious issue when we must come together and move forward. Abraham White, a fierce opponent to the Constitution, gave his word that he would work to convince his constituents to submit to the new law of the land and to live in peace under it.

Mr. President, 220 years ago, the States were in the midst of deciding whether they would ratify the Constitution. It was the pinnacle of a turbulent summer that left many of our delegates amazed at what they had actually achieved. George Washington called it ''little short of a miracle.'' The entire effort, from the first days of the convention to the parades that celebrated the United States and its Constitution, was in fact a miracle. Benjamin Rush, a Philadelphia physician who signed the Declaration of Independence, described the unparalleled emotion that was shared by all during the Philadelphia celebration of the Fourth of July—even greater than at any wartime victory. His description included the words: ''We have become a Nation.''

It is overwhelming to think about the work that was done hundreds of years ago so that we could continue to live and uphold the tenets of an enduring Constitution today. What a remarkable tribute to the delegates of the Convention and to the leaders whose vision led to the ratification of our Constitution.

I hope we can keep in mind the many hurdles overcome in 1787 by the Constitutional Convention and the men who were gathered there and come together in drafting a real supplemental that will fund our troops, give our military leaders the tools they need, and show the Nation we are united and that we are committed together in this global war against radical Islamic extremists. We have a tremendous legacy on which to continue building. Let's commit to doing that.

I yield the floor.

THE MERIDA INITIATIVE

Mr. LEAHY. Mr. President, the fiscal year 2008 supplemental appropriations bill provides $450 million for the Merida Initiative, including $350 million for Mexico and $100 million for Central America, Haiti, and the Dominican Republic. This is the first installment of an ongoing commitment to help our neighbors to the south respond to the growing violence and corruption of heavily armed drug cartels. It represents a tenfold increase in assistance for Mexico in a single year.

The Merida Initiative is a partnership, and we recognize that achieving its goals presents an extraordinarily difficult challenge. The United States is the principal market for most of the illegal drugs coming from Mexico and Central America. We are also the source of most of the guns used by the Mexican and Central American cartels. Each country contributes to this problem, and we each have to be part of the solution.

President Calderon and President Bush deserve credit for the Merida Initiative. Better and more cooperative relations between our countries are long overdue.

It is unfortunate, however, that neither the Mexican or Central American legislatures, nor the U.S. Congress, nor representatives of civil society, had a role in shaping the Merida Initiative. There was no refinement through consultation. I first learned of it from the press, as did other Members of Congress.

As we have come to expect from this administration, the White House reached a secret agreement with foreign governments calling for hundreds of millions of U.S. taxpayer dollars, and then came to Congress demanding a blank check.

I support the goals of the Merida Initiative, and this bill provides a very generous downpayment on what I believe will be a far longer commitment than the 3-year initiative proposed by the administration. It will take longer than 1 year just to obligate and expend the $350 million for Mexico in this supplemental bill, and the President has requested another $477 million for Mexico in fiscal year 2009.

In addition to appropriating the funds, most of which may be obligated immediately, we require the Secretary of State to determine and report that procedures are in place and actions are taken by the Mexican and Central American governments to ensure that recipients of our aid are not involved in corruption or human rights violations, and that members of the military and police forces who commit violations are brought to justice.

This is fundamental. For years we have trained Mexican and Central American police forces, and it is well known that some of them have ended up working for the drug cartels. It is common knowledge that corruption is rampant within their law enforcement institutions—the very entities we are about to support.

It is also beyond dispute that Mexican and Central American military and police forces have a long history of human rights violations—including arbitrary arrests, torture, rape and extra-judicial killings for which they have rarely been held accountable. Examples of army and police officers who have been prosecuted and punished for these heinous crimes are few and far between. Mexican human rights defenders who criticize the military for violating human rights fear for their lives.

Some, particularly the Mexican press, argue that conditioning our aid on adherence to the rule of law is somehow an ''infringement of sovereignty,'' ''subjugation'' or ''meddling,'' or that it ''sends the wrong message.'' I strongly disagree.

Since when is it bad policy, or an infringement of anything, to insist that American taxpayer dollars not be given to corrupt, abusive police or military forces in a country whose justice system has serious flaws and rarely punishes official misconduct? This is a partnership, not a giveaway. As one who has criticized my own government for failing to uphold U.S. and international law, as has occurred in Guantanamo, Abu Ghraib, and elsewhere, I believe it is our duty to insist on respect for fundamental principles of justice. I am confident that the Mexican and American people agree.

Mr. President, like Senators DODD, REID, MENENDEZ and many others here, both Democrats and Republicans, I

have long urged closer relations with Mexico. We have much in common, yet throughout our history U.S. policy toward Mexico has been far more one of neglect than of mutual respect and cooperation.

Whether it is trade and investment, immigration, the environment, health, science, cultural and academic exchange, human rights, drug trafficking, weapons smuggling and other cross border crime and violence—our contiguous countries are linked in numerous ways. We should work to deepen and expand our relations.

The Merida Initiative is one approach, and while I and many others would prefer that it encompassed broader forms of engagement, it is a start. Most of the funds are for law enforcement hardware and software, which is necessary but insufficient to support a sustainable strategy. As we have learned from successive costly counterdrug strategies in the Andean countries that have failed to effectively reduce the amount of cocaine entering the United States, we need to know what the Merida Initiative can reasonably expect to achieve, at what cost, over what period of time.

Senator GREGG as ranking member, and I as chairman of the State and Foreign Operations Subcommittee had to make difficult choices among many competing demands within a limited budget. We had to find additional funds to help disaster victims in Burma, Central Africa, Bangladesh and elsewhere, whom the President's budget ignored. We had to find additional funds for Iraqi refugees and for crucial peacekeeping, security, and nonproliferation programs. We could not have funded virtually any program at the level requested by the President without causing disproportionate harm to others, and we sought to avoid that.

Considering the amount we had to spend, the Merida Initiative received strong, bipartisan support. Again, this is not simply a 3 year program as the administration suggests. It is the beginning of a new kind of relationship, and we need to start off prudently and with solid footing.

That means the direct participation of the Congress and of civil society and attention to legitimate concerns about human rights, about monitoring and oversight, about rights of privacy, due process, and accountability. How these issues are resolved is critical to future funding for this program, and we need to work together to address them.

MATTHEW SHEPARD ACT OF 2007

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would strengthen and add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On Thursday evening, May 15, 2008, in Sacramento, CA, a 23-year-old man was sitting in his car at a gas station when he was approached by three men. According to police, one of the men asked him if he was gay and he responded that he was. When the man then exited the car, he was attacked by the three men as they yelled homophobic slurs. Micah Jontomo Tasaki, 21, Gregory Lee Winfield, 20, and Robert Lee Denor, 19, were arrested at the gas staion where the attack occurred in connection with the assault. Luckily for the victim, he did not sustain injuries serious enough to necessitate a hospital visit. A Sacramento police officer investigating the crime has called it a ''gay bashing'' and a hate crime.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. Federal laws intended to protect individuals from heinous and violent crimes motivated by hate are woefully inadequate. This legislation would better equip the Government to fulfill its most important obligation by protecting new groups of people as well as better protecting citizens already covered under deficient laws. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

SOLUTIONS TO CLIMATE CHANGE

Mr. BARRASSO. Mr. President, earlier this spring, I introduced legislation to address the challenge of how to deal with greenhouse gases. The bill is called the Greenhouse Gas Emissions Atmospheric Removal Act, or the GEAR Act.

Members of this body have discussed various proposals to regulate the output of greenhouse gases. Some advocate doing it through a cap-and-trade approach. Others have advocated a carbon tax. Such proposals are aimed at limiting future carbon output into the atmosphere. Many proposals have been introduced and debated using this approach of dealing with carbon output.

We want to protect our environment and we want a strong economy. The way to have both is by thinking anew and acting anew. It is time to use our untapped human potential and the American spirit to develop the technologies we need.

The Senate will soon be debating climate legislation. I believe we should identify solutions through imagination, innovation, and invention, not through limits.

It is my hope and my goal that the GEAR Act will foster the kind of solutions that we need to address the concerns about climate change.

Recently, there was a very thoughtful editorial which was printed in ''Wyoming Agriculture,'' which is published by the Wyoming Farm Bureau Federation.

The editorial was written by Ken Hamilton. Ken is the executive vice president of the Wyoming Farm Bureau. I believe he does a terrific job of summing up the feelings of Wyoming people on the need to find practical ''real'' solutions to climate change.

I recommend it to my colleagues and ask unanimous consent that it be printed in the RECORD.

Ther being no objection, the material was ordered to be printed in the RECORD as follows:

YOU CAN'T HAVE YOUR CAKE AND EAT IT TOO

(By Ken Hamilton, WyFB Executive Vice President)

One of the first little sayings you probably heard when you were growing up was that you can't have your cake and eat it too. Generally everyone will agree that this is self evident, but that doesn't stop Americans (and probably people in other countries) from always trying to have it both ways.

This is never more evident than the actions surrounding global warming. We are continually being bombarded by pronouncements about man caused global warming (it's hovering around 4 degrees with a 25 mph breeze blowing as I write this). When I was discussing this global warming issue with a friend, he said what people need to do is stop arguing with the activists over whether there is man caused global warming and start asking them what their solutions are going to be.

The more I thought about it the more I realized the whole global warming debate is absent any discussion of real solutions. We hear vague pronouncements about a greenhouse gas tax, but not much else. And none have enough details to fully analyze what the impact will be on people. There are numerous shows on television where people are talking about reducing their ''carbon footprint'', but most of these solutions revolve around still living the lifestyle you want while feeling good about using a material someone has pronounced as ''green.''

For instance, one of the new ''green'' materials for flooring in houses now is bamboo. Why someone feels this is greener than oak or pine is beyond me, but nevertheless apparently it is. The interesting thing is that while everyone is talking green, they are busy building a house that's twice the square footage of a generation ago. Our grandparents lived in a house where one or two rooms had heat part of the time. In today's modern homes there is heat running to every room, plus a television set in half of them, a minimum two-car garage (heated of course) and appliances that grandma couldn't even dream about. All of these, of course have some ''green'' marketing gimmick attached to them, so, you guessed it, people can live in even bigger houses while feeling good about doing their part.

But if meaningful curbs in greenhouse gases must occur as they profess, then there shouldn't be houses with two-car garages. You don't find those sorts of things in third world countries where the people's carbon footprint is less than here. Dishwashers must go as well as washing machines, dryers, and central heating. In third world countries where they don't have such a big carbon footprint, health clubs are not needed, nor are double ovens.

Arnold Schwarzenegger, who is in a panic over global warming, should stop driving around in his Humvee. In fact, to adequately address this issue, he should stop driving period.

But we don't see any of this happening and probably won't in the future. The people worried about global warming are still driving to work every day. They come home to heated and air conditioned homes, turn on

their 42-inch flat panel television while getting their meal delivered by a college freshman in a fuel-efficient ¾-ton four-wheel drive vehicle so they don't have to crank up one of those double ovens and hear the latest news about climate change. Recently a weather event caused a power outage in Arnold's state and not once did I hear him say, ''thank goodness, now we can start to do something meaningful about man caused global warming.''

Politicians and proponents of global warming only want to personally do something about global warming if it doesn't mean a cold house in the winter or a hot one in the summer. Health clubs will still be needed because people won't walk to work and will need to get some exercise somewhere. And pine forests will grow old, die and burn while folks feel good about their bamboo floors. Thinking all along that they are getting their cake and eating it too.

ADDITIONAL STATEMENTS

TRIBUTE TO FRANK WOODRUFF BUCKLES

• Mr. BOND. Mr. President, one of the most distinguished Americans living today is Mr. FRANK Woodruff Buckles. Born in Bethany, MO, on February 1, 1901, 2 years before Orville and Wilbur Wright made their historic first flight, Mr. Buckles, now 107, is the last living U.S. World War I veteran. He is truly a national treasure: Of the 2 million soldiers the United States sent to France in World War I, he is the lone survivor.

His life story is nothing short of amazing. In 1917, Mr. Buckles told his Army recruiter he was 21 years old and wanted to go to war. He was really just 16. Upon arrival in England, he convinced his superiors to send him forward to France where he would serve as an ambulance driver, carrying wounded allied troops to medical facilities.

When the war ended, Mr. Buckles was responsible for returning prisoners of war to Germany. He separated from the Army in 1920 after achieving the rank of corporal, but his service to the Nation continued as a civilian in the Philippines, where he worked for a U.S. shipping company. When the Japanese took Manila in 1942, Mr. Buckles was made a prisoner of war for the next 39 months, until his subsequent rescue by the 11th Airborne Division in 1945.

During his captivity, he developed chronic illnesses that still afflict him today. But there was no surrender then and there is no surrender today in Mr. Buckles.

Mr. Buckles remains witty and active. During a recent interview, he was asked about the circumstances surrounding his questionable enlistment into the Army. He replied with a chuckle, ''I didn't lie; nobody calls me a liar . . . but I may have increased my age.'' I also understand he does 50 sit ups and lifts weights daily. That is more physical activity than most men my age and even younger!

Today, before Memorial Day, I ask you to join me in honoring Mr. Buckles for all he has done for his country. The debt paid by Mr. Buckles and his fellow soldiers on behalf of future generations must never be forgotten. His life epitomizes patriotism and dedication to our nation. His incredible individual achievements and sacrifices, along with those of his fellow ''doughboys,'' deserve our ongoing admiration and thanks.•

REMEMBERING ELWOOD ''WOODY'' LECHAUSSE

• Mr. DODD. Mr. President, I wish today to honor the life and service of Elwood Lechausse of Manchester, CT, who died on Saturday May 17, 2008. Mr. Lechausse, known to many as ''Woody,'' enlisted in the U.S. Army in 1958, the day after his 18th birthday, and served with distinction in the 101st Airborne Division in both Turkey and South Vietnam.

Mr. Lechausse's service to his country did not end with his departure from the military in 1965. Following his honorable discharge from the Army, Mr. Lechausse dedicated himself to supporting his fellow veterans. For over 35 years, Mr. Lechausse was a tireless advocate for veterans issues, serving in leadership positions in more than two dozen veterans organizations, including serving as a senior member of the Department of Veterans Affairs Board of Trustees and the Secretary and Treasurer of the Connecticut Veterans Coalition from 1988–2002 and the Department of Connecticut Adjutant of the Disabled American Veterans.

Mr. Lechausse worked hard to educate his fellow Americans on the importance of honoring our veterans and recognizing the challenges they faced. Whether testifying before the U.S. Congress or speaking in the local classroom, Mr. Lechausse carried himself with a vigor and passion that spoke volumes of his dedication to advocating on behalf of his fellow veterans.

In 2003, Mr. Lechausse was named as a Connecticut Treasure for his work on behalf of Connecticut's veterans. In 2007, in recognition of the many lives he touched throughout nearly four decades of service, Mr. Lechausse was inducted into the Connecticut Veterans Hall of Fame.

Mr. Lechausse was a valuable friend of my office, and all of us in Connecticut owe a deep debt of gratitude to Mr. Lechausse for his service to both his country and his fellow veterans. On behalf of the Senate, I offer my most sincere condolences to Mr. Lechausse's wife, Kathryn, his children James and Ralph, and all those who were touched by his tremendous spirit. With Woody's passing, Connecticut and the Nation's veterans have lost a powerful voice that will be sorely missed.•

TRIBUTE TO LAUREL ZAKS

• Mr. ISAKSON. Mr. President, today I wish to honor in the RECORD of the Senate Laurel Zaks, an incredibly dedicated and universally beloved and respected civil servant who died on Friday, March 28, 2008. Laurel was a public health adviser at the Centers for Disease Control and Prevention in Atlanta, GA, with more than 14 years international and domestic work experience as a nutritionist.

Laurel started her career in 1992 as a nutritionist in Bucharest, Romania, with the Free Romania Foundation cross-training staff in three orphanages with medical clinics in health and nutrition issues. She then took a position as a community developer in Pop Wuj, Quetzeltenango, Guatemala, teaching primary health prevention strategies. She returned to the United States in 1996 where she developed and communicated policy and legislative strategy on domestic hunger for Congress and lobbied Congress on nutrition programs involving welfare reform. While in Washington, she also served as a pediatric dietitian with the Children's National Medical Center working on initial and followup nutritional assessments of HIV/AIDS and gastrointestinal disease patients.

In 1997, Laurel joined the Peace Corps volunteering in Ecuador, where she used her training as a dietitian to work with the Ministry of Health and indigenous organizations to develop training materials promoting maternal and child health and prevention of infectious diseases. Next Laurel moved to the city, Santa Domingo de Los Colorados, to work at the Center for Malnourished Children and in local communities where she served as the nutritionist/health educator working in an interdisciplinary medical team. During the last 2½ years of her Peace Corps service, she was instrumental in helping to design a new $400,000 Children's Center for Nutrition Recuperation, which served an average of 40 families daily.

Laurel joined CDC in 2001, 1 week after finishing her Peace Corps tour in Ecuador. Her enthusiasm for making a difference in global health affected all who knew her. She worked in many areas of global health work at CDC, including planning for development of sustainable global public health management, planning for a global pandemic influenza outbreak, and serving as a team member traveling to Botswana in response to an outbreak of infant diarrhea and severe malnutrition. In 2007, she was part of a team honored for rapidly assisting 20 countries around the world to apply for pandemic influenza preparedness funds.

Laurel was an active member and leader in the Atlanta chapter of the Returned Peace Corps Volunteers. She gave countless hours to charitable organizations domestically and abroad, including the Manna Food Bank in North Carolina and as a charter member of the Ecuadorian Rivers Institute in Ecuador. She received various awards for her volunteer work and was bestowed the North Carolina Governor's Award for Outstanding Volunteer Service in 1994.

Just as she did with the Peace Corps, Laurel's work over 7 years at CDC left a legacy of healthier people around the world. She inspired her coworkers to make a difference in global health, and all who knew her were struck by her compassion and the lasting contributions she made to children living in poverty around the world.●

TRIBUTE TO HAROLD ''SHORTY'' DORN

● Mr. SMITH. Mr. President, Albert Einstein once said, ''It is the supreme art of the teacher to awaken joy in creative expression and knowledge.'' I wish today to pay tribute to the life and legacy of an Oregonian who devoted his career to that supreme art and, in doing so, made a priceless contribution to the field of journalism.

Harold ''Shorty'' Dorn passed away in Reston, VA, last week at 83 years of age. Like countless others of his ''greatest generation,'' Shorty proudly wore the uniform of our country during World War II. He entered the U.S. Marine Corps in 1943 and served in the Pacific until the end of the war.

Upon returning home, Shorty earned his college degree and began nearly four decades of service as a college professor. Generations of Oregonians are fortunate because the vast majority of Shorty's career was spent at two of my State's outstanding institutions of higher learning—10 years at Eastern Oregon University in LaGrande and 23 years in the Department of Journalism at Oregon State University in Corvallis.

Professor Dorn was admired and respected by his students for his intelligence, his integrity, his warm humor, his trademark quips, and for the fact that he genuinely cared about them and their future. Shorty's commitment to his students did not end upon their graduation, and many continued to call on him for advice and counsel as they moved on in their careers.

Just as Shorty was devoted to his students, he was also devoted to his family—to his wife Ethel and to his two daughters, Jenna and Lorah. Upon retirement from Oregon State University, Shorty and Ethel moved to Reston, VA, so he could be closer to his daughters, who were both building distinguished careers of service. He also discovered that one of the best parts of retirement was the time he had to be a wonderful grandfather to his two grandsons, Jon and Ben.

Mr. President, it was once said that, ''In a completely rational society, the best of us would be teachers and the rest of us would have to settle for something less.'' Shorty Dorn was certainly one of the best of us, and I extend my condolences to his family and friends.●

IN HONOR OF THE HEARTLAND HONOR FLIGHT

● Mr. NELSON of Nebraska. Mr. President, today I honor veterans from my home State who are taking part in the first Nebraska Heartland Honor Flight to visit the National World War II Memorial.

The National World War II Memorial is a fitting tribute to those remarkable Americans who served in the deadliest conflict in human history. From the beaches of Normandy to the shores of Iwo Jima, these veterans served with courage, honor, and selflessness. In addition to their service, these same veterans returned home to reinvigorate the United States, producing what is still the largest and most vibrant economy in the world.

Soon after President Clinton authorized the American Battle Monuments Commission to establish a World War II memorial, a comprehensive national fundraising campaign began under the leadership of former Senator Bob Dole, the national chairman and a World War II veteran from Kansas. During this time, as Governor of the State of Nebraska, I realized it was imperative to secure funding as soon as possible so that a memorial could be built in time for our veterans to view it. Therefore, on June 1, 1998, I presented a check to Senator Bob Dole in the amount of $52,900 for every Nebraskan who served in World War II. Subsequently, every State that donated money followed our guideline.

There are now close to 14,000 World War II veterans living in the State of Nebraska. Unfortunately, nearly 2,100 of these brave servicemembers pass away each year. Many of these veterans have not been able to visit the memorial, which was dedicated by President George W. Bush on May 29, 2004, as they confront increasing difficulties with traveling due to their age. However, the Honor Flight Program has proven to be a reliable and capable partner in helping alleviate any obstacles veterans may face in traveling to Washington, DC. The Honor Flight Program, started in 2005 by retired Air Force captain and physician's assistant Earl Morse, now has 69 ''hubs'' in 30 States and has established a goal of transporting 12,000 World War II veterans to view the memorial in 2008.

Today, I am proud to say that the Heartland Honor Flight, Nebraska's own program, will conduct its inaugural flight, transporting more than 100 Nebraska World War II veterans to our Nation's Capital to visit the National World War II Memorial. I am greatly appreciative to the businesses and individuals who have contributed to this cause and am especially grateful to Dan and Cara Whitney, who provided nearly all the funding required for the cost of this initial flight.

This will be an emotional and reflective occasion for these veterans who look upon their service with deserved pride and remember those who died making the ultimate sacrifice for our country in the name of freedom. This memorial was long overdue for those who served our Nation in World War II, and I am confident it will become an enduring symbol in remembering the determination and sacrifice of our country's ''greatest generation.''●

TRIBUTE TO BRIGADIER GENERAL NEIL SMART

● Mr. SESSIONS. Mr. President, I wish today to pay tribute to BG Neil Smart, former battalion commander in the Battle of the Bulge in World War II and Director of the Veterans Administration Regional Office in Montgomery, AL. General Smart's service to this nation was long and distinguished.

Smart was commissioned a second lieutenant in the ROTC department of the University of Alabama in 1938. He left Active Duty as a lieutenant colonel and continued to serve in the National Guard. After General Smart completed his military service, he continued to serve the Nation's veterans in his work with the Veterans' Administration. He led the VA in Alabama in an exemplary manner from 1958 to 1974.

General Smart also loved to share stories of World War II. He felt this was a legacy his generation should leave younger generations. He really liked to tell the story about an unscheduled inspection he and his battalion had to undergo during World War II. The inspectors were GEN Dwight Eisenhower, GEN Omar Bradley, and British Prime Minister Winston Churchill.

This 94-year-old was also a key fundraiser in the efforts to build a memorial honoring the American effort in World War II. He was scheduled to visit the World War II Memorial with an Honor Flight group from the Prattville and Montgomery area of Alabama this past Saturday. My wife and I were there at the memorial to meet this group of heroes. When the group arrived, we were told the sad news that General Smart had died just hours before their departure.

So, Mr. President it is my honor to pay tribute to this great Alabamian and American. He served his State and Nation well.●

MESSAGE FROM THE HOUSE

At 1:36 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1464. An act to assist in the conservation of rare felids and rare canids by supporting and providing financial resources for the conservation programs of nations within the range of rare felid and rare canid populations and projects of persons with demonstrated expertise in the conservation of rare felid and rare canid populations.

H.R. 2649. An act to make amendments to the Reclamation Projects Authorization and Adjustment Act of 1992.

H.R. 2744. An act to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

H.R. 2790. An act to amend title 38, United States Code, to establish the position of Director of Physician Assistant Services within the office of the Under Secretary of Veterans Affairs for Health.

H.R. 3681. An act to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to advertise in the national media to promote awareness of benefits under laws administered by the Secretary.

H.R. 3889. An act to amend title 38, United States Code, to require the Secretary of Veterans Affairs to conduct a longitudinal study of the vocational rehabilitation programs administered by the Secretary.

H.R. 5554. An act to amend title 38, United States Code, to expand and improve health care services available to veterans from the Department of Veterans Affairs for substance use disorders, and for other purposes.

H.R. 5664. An act to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to update at least once every six years the plans and specifications for specially adapted housing furnished to veterans by the Secretary.

H.R. 5729. An act to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide comprehensive health care to children of Vietnam veterans born with Spina Bifida, and for other purposes.

H.R. 6048. An act to amend the Servicemembers Civil Relief Act to provide for the protection of child custody arrangements for parents who are members of the Armed Forces deployed in support of a contingency operation.

H.R. 6074. An act to amend the Sherman Act to make oil-producing and exporting cartels illegal and for other purposes.

H.R. 6081. An act to amend the Internal Revenue Code of 1986 to provide benefits for military personnel, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 32. Concurrent resolution honoring the members of the United States Air Force who were killed in the June 25, 1996, terrorist bombing of the Khobar Towers United States military housing compound near Dhahran, Saudi Arabia.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1464. An act to assist in the conservation of rare felids and rare canids by supporting and providing financial resources for the conservation programs of nations within the range of rare felid and rare canid populations and projects of persons with demonstrated expertise in the conservation of rare felid and rare canid populations; to the Committee on Environment and Public Works.

H.R. 2649. An act to make amendments to the Reclamation Projects Authorization and Adjustment Act of 1992; to the Committee on Energy and Natural Resources.

H.R. 2744. An act to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews; to the Committee on Health, Education, Labor, and Pensions.

H.R. 2790. An act to amend title 38, United States Code, to establish the position of Director of Physician Assistant Services within the office of the Under Secretary of Veterans Affairs for Health; to the Committee on Veterans' Affairs.

H.R. 3681. An act to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to advertise in the national media to promote awareness of benefits under laws administered by the Secretary; to the Committee on Veterans' Affairs.

H.R. 3889. An act to amend title 38, United States Code, to require the Secretary of Veterans Affairs to conduct a longitudinal study of the vocational rehabilitation programs administered by the Secretary; to the Committee on Veterans' Affairs.

H.R. 5554. An act to amend title 38, United States Code, to expand and improve health care services available to veterans from the Department of Veterans Affairs for substance use disorders, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 5664. An act to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to update at least once every six years the plans and specifications for specially adapted housing furnished to veterans by the Secretary; to the Committee on Veterans' Affairs.

H.R. 5729. An act to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide comprehensive health care to children of Vietnam veterans born with Spina Bifida, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 6048. An act to amend the Servicemembers Civil Relief Act to provide for the protection of child custody arrangements for parents who are members of the Armed Forces deployed in support of a contingency operation; to the Committee on Veterans' Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 32. Concurrent resolution honoring the members of the United States Air Force who were killed in the June 25, 1996, terrorist bombing of the Khobar Towers United States military housing compound near Dhahran, Saudi Arabia; to the Committee on Armed Services.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 3036. A bill to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

S. 3044. A bill to provide energy price relief and hold oil companies and other entities accountable for their actions with regard to high energy prices, and for other purposes.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 6074. An act to amend the Sherman Act to make oil-producing and exporting cartels illegal and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6321. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General John F. Sattler, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–6322. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General David F. Melcher, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–6323. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General James M. Dubik, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–6324. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Vice Admiral Paul E. Sullivan, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–6325. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, notification of the payment-in-kind compensation that has been negotiated with Germany for the return of U.S.-funded improvements at 30 small sites; to the Committee on Armed Services.

EC–6326. A communication from the Secretary of Defense, transmitting the withdrawal of the Secretary's previous certification of satisfactory service for a retired officer; to the Committee on Armed Services.

EC–6327. A communication from the Deputy Secretary of Defense for Logistics and Materiel Readiness, transmitting, pursuant to law, a report on budgeting for the sustainment of key military equipment for fiscal year 2009; to the Committee on Armed Services.

EC–6328. A communication from the Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Final Rule Amending the Rough Diamonds Control Regulations to Add Two New Requirements Designed to Enhance the Collection of Statistics Related to Importations and Exportations of Rough Diamonds'' (RIN1505–AB95) received on May 20, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–6329. A communication from the Secretary, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Definition of Eligible Portfolio Company under the Investment Company Act'' (RIN3235–AJ31) received on May 20, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–6330. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Skowhegan, ME'' ((RIN2120–AA66) (Docket No. 07–ANE–94)) received on May 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6331. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Williamsport, PA'' ((RIN2120–AA66)(Docket No. 05–AEA–19)) received on May 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6332. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Lewistown, PA'' ((RIN2120–AA66)(Docket No. 07–AEA–14)) received on May 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6333. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Lexington, OK'' ((RIN2120–AA66)(Docket No. 08–ASW–1)) received on May 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6334. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Cameron Balloons Ltd. Models AX5–42, AX5–42 BOLT, AX6–56, AX6–56A, AX6–56Z, AX6–56 BOLT, AX7–65, AX7–65Z, AX7–65 BOLT, AX7–77, AX7–77A, AX7–77Z, AX7–77 BOLT, AX8–90 (S.1), AX8–90 (S.2), AX8–105 (S.1), AX8–105 (S.2), AX9–120 (S.1), AX9–120 (S.2), AX9–140, AX10–160 (S.1), AX10–160 (S.2), AX10–180 (S.1), AX10–180 (S.2), AX210, AX11–225, and AX11–250 Balloons'' ((RIN2120–AA64)(Docket No. 2008–CE–008)) received on May 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6335. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier Model DHC–8–102, DHC–8–103, DHC–8–106, DHC–8–201, DHC–8–202, DHC–8–301, DHC–8–311, and DHC–8–315 Airplanes, and Model DHC–8–400 Series Airplanes'' ((RIN2120–AA64)(Docket No. 2007–NM–233)) received on May 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6336. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; EMBRAER Model EMB–120, –120ER, –120FC, –120QC, and –120RT Airplanes'' ((RIN2120–AA64)(Docket No. 2007–NM–171)) received on May 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6337. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; ATR Model ATR42 and ATR72 Airplanes'' ((RIN2120–AA64)(Docket No. 2007–NM–172)) received on May 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6338. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes'' ((RIN2120–AA64)(Docket No. 2007–NM–111)) received on May 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6339. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 737–300, –400, and –500 Series Airplanes'' ((RIN2120–AA64)(Docket No. 2007–NM–187)) received on May 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6340. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Airplanes'' ((RIN2120–AA64)(Docket No. 2007–NM–191)) received on May 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6341. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; General Electric Company CF34–8C1, –8C5, –8C5B1, –8E5, –8E5A1, and CF34–10E Series Turbofan Engines'' ((RIN2120–AA64)(Docket No. 2007–NE–36)) received on May 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6342. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Inseason Closure of the Commercial Fishery for Deep Water Grouper in the Gulf of Mexico for the 2008 Fishing Year'' (RIN0648–XG27) received on May 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6343. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Inseason Closure of the Commercial Fishery for Tilefishes in the Gulf of Mexico for the 2008 Fishing Year'' (RIN0648–XG71) received on May 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6344. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Closure of Tilefish Permit Category B to Directed Tilefish Fishing'' (RIN0648–XF91) received on May 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6345. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch by Vessels in the Bering Sea and Aleutian Islands Trawl Limited Access Fishery in the Eastern Aleutian District of the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XH62) received on May 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6346. A communication from the Director of Civil Works, Department of the Army, transmitting, pursuant to law, the report of a rule entitled ''Compensatory Mitigation for Losses of Aquatic Resources'' (RIN0710–AA55) received on May 20, 2008; to the Committee on Environment and Public Works.

EC–6347. A communication from the Social Security Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Amendments to the Ticket to Work and Self-Sufficiency Program'' (RIN0960–AF89) received on May 20, 2008; to the Committee on Finance.

EC–6348. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the extension of waiver authority for Turkmenistan; to the Committee on Finance.

EC–6349. A communication from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2008–62—2008–68); to the Committee on Foreign Relations.

EC–6350. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the export of defense articles to the Republic of Korea for the development of the A–50 Aircraft; to the Committee on Foreign Relations.

EC–6351. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of revolvers being sold for end use by the Ministry of the Interior of Thailand; to the Committee on Foreign Relations.

EC–6352. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to U.S. contributions to the United Nations and its affiliated agencies during fiscal years 2006 and 2007; to the Committee on Foreign Relations.

EC–6353. A communication from the Director, Financial Management and Assurance, Government Accountability Office, transmitting, pursuant to law, a report relative to the Office's opinion on the financial statements of the Congressional Award Foundation; to the Committee on Homeland Security and Governmental Affairs.

EC–6354. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report relative to the use of student loan repayments by Federal agencies during fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–6355. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of the designation of an acting officer for the position of U.S. Marshal for the Eastern District of Kentucky, received on May 20, 2008; to the Committee on the Judiciary.

EC–6356. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of the designation of an acting officer for the position of U.S. Marshal for the Western District of Michigan, received on May 20, 2008; to the Committee on the Judiciary.

EC–6357. A communication from the National Chairman, Naval Sea Cadet Corps, transmitting, pursuant to law, the Audit and Annual Report of Corps for fiscal year 2007; to the Committee on the Judiciary.

EC–6358. A communication from the Chair of the Board of Directors, Office of Compliance, transmitting, pursuant to Section 304(b)(3) of the Congressional Accountability Act of 1995 (CAA), 2 U.S.C. 1384(b)(3), a general notice of proposed rulemaking as originally transmitted to the President pro tempore of the Senate on March 14, 2008, and printed in the RECORD on March 31, 2008; to the Committee on Rules and Administration.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–348. A resolution adopted by the Board of County Commissioners of Douglas County of the State of Nebraska expressing its opposition to any cutback of the National Institute of Correction's budget; to the Committee on the Judiciary.

POM–349. A resolution adopted by the Bakersfield City Council of the State of California expressing the Council's support of the Second Amendment to the U.S. Constitution; to the Committee on the Judiciary.

POM–350. A resolution adopted by the City Council of the City of Taft of the State of California expressing its support of the Second Amendment to the U.S. Constitution; to the Committee on the Judiciary.

POM–351. A joint resolution adopted by the House of Representatives of the State of Maine urging Congress to stop gasoline price manipulation and to close the Enron loophole; to the Committee on Commerce, Science, and Transportation.

JOINT RESOLUTION

Whereas, energy prices are reaching an all-time high in the United States and its citizens are especially hard hit in the State of

Maine, as our cold winters are long and many of our citizens use petroleum products to heat their homes; and

Whereas, diesel fuel prices for Maine truckers are causing severe economic hardship for this hardworking industry and gasoline fuel prices continue to rise, causing financial hardship to all Maine citizens; and

Whereas, it is apparent to the United States Congress and the citizens of Maine that some of the serious factors causing the high prices are excessive trading, speculation and, allegedly, manipulation of the commodities market; and

Whereas, the United States Congress passed, in December 2000, at the behest of the American energy company Enron, what is known as ''the Enron Loophole'' as part of the Commodity Futures Modernization Act of 2000, Appendix E of P.L. 106–554, 114 Stat. 2763, and this loophole allows electronic exchanges set up for large traders to operate without any federal oversight; and

Whereas, one of the fundamental purposes of futures contracts is to provide price discovery, and those selling or buying commodities in the spot market rely on futures prices to judge amounts to charge or pay for a commodity; and

Whereas, since the creation of the futures markets in the agricultural context decades ago, it has been widely understood that, unless properly regulated, the markets may distort the economic fundamental of price discovery through excessive speculation, fraud or manipulation, and the federal Commodity Exchange Act has long been praised as preventing those economic abuses; and

Whereas, a recent bipartisan United States Senate report, ''The Role of Market Speculation in Rising Oil and Gas Prices: The Need to Put the Cop Back on the Beat,'' stated that as much as 25% of the cost of a barrel of crude oil may be due to the cost of speculation and profiteering taking place in these unregulated commodities markets; and

Whereas, this speculation and profiteering unfairly causes many Maine citizens to pay excessive fuel and gas prices: Now, therefore, be it

Resolved, That We, your Memorialists, on behalf of the people we represent, respectfully and strongly urge and request that the United States Congress rein in this excessive energy commodities speculation and enact meaningful reforms of the Commodities Futures Trading Commission, including closing ''the Enron Loophole''; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to President of the United States Senate and to the Speaker of the United States House of Representatives, and to each Member of the Maine Congressional Delegation.

POM–352. A resolution adopted by the State Board of Education of the State of Mississippi urging Congress to support the passage of the Secure Rural Schools and Community Self-Determination Act; to the Committee on Energy and Natural Resources.

RESOLUTION

Whereas, in December 2000, the Secure Rural Schools and Community Self-Determination Act, a Federal act, was signed into law; and

Whereas, the Secure Rural Schools and Community Self-Determination Act provides federal funds to school districts with national forest lands located within the school districts boundaries; and

Whereas, 36 school districts have substantial tracts of land in public ownership which can neither be developed nor taxed to generate revenue from economic activity or taxation; and

Whereas, these school districts have United States National Forests within its boundaries and have received critical funds for schools based on revenues generated from these forests; and

Whereas, the payments provided to these school districts have been a consistent and necessary source of funding for the schools, teachers and students; and

Whereas, in December 2007, the United States Congress removed the reauthorization of the Secure Rural Schools and Community Self-Determination Act from the Energy Legislation to which it was attached. This legislation was subsequently passed and signed into law without reauthorization for the Secure Rural and Community Self-Determination Act; and

Whereas, the funding provided through the Secure Rural Schools and Community Self-Determination Act will significantly contribute to the local economy of these school districts by providing the necessary funds for schools and roads, which is vital for sustained economic development; and Schools and Community Self-Determination Act; and

Whereas, these school districts depend on the funding from the Secure Rural Schools and Community Self-Determination Act and unless the funding is secured through legislation as deemed appropriate by the Mississippi congressional delegation, these school districts will lose critical funding that it has received for decades: Now, therefore, be it

Resolved by the state board of education of the state of Mississippi, That we, the members of the State Board of Education of the State of Mississippi, respectfully request that the United States Congress pass the Secure Rural Schools and Community Self-Determination Act so that these Mississippi school districts may continue to adequately maintain schools and sustain economic development in the state. Be it further

Resolved, That the Secretary of the State Board of Education is directed to transmit copies of this resolution to President George W. Bush, the Secretary of the United States Senate, the Clerk of the United States House of Representatives, the Governor of the State of Mississippi, each member of the, Mississippi congressional delegation, the Executive Director of the National Association of State Boards of Education, and that copies be made available to members of the Capitol Press Corps.

POM–353. A resolution adopted by the Georgia State Senate urging Congress to withdraw the U.S. from the Security and Prosperity Partnership of North America and any other agreement that seeks the economic merger of the U.S. with any other country; to the Committee on Foreign Relations.

SENATE RESOLUTION NO. 827

Whereas, President George W. Bush announced the formation of the Security and Prosperity Partnership of North America with the nations of Mexico and Canada on March 23, 2005; and

Whereas, at a news conference on the same day, President Bush said: ''So that the vision that you asked about in your question as to what kind of union might there be, I see one based upon free trade, that would then entail commitment to markets and democracy, transparency, rule of law''; and

Whereas, the gradual evolution of a North American partnership into some ''kind of union'' or economic merger; of the United States, Mexico, and Canada would be a direct threat to the Constitution and national independence of the United States and would imply an eventual end to national borders within North America; and

Whereas, on March 31, 2006, President Bush at Cancun, Mexico, celebrated the fIrst anniversary of the Security and Prosperity Partnership, confirmed by a White House news release on that same date; and

Whereas, this trilateral partnership to develop any kind of North American merger has never been presented to Congress as an agreement or treaty and has had virtually no congressional oversight; and

Whereas, state and local governments throughout the United States would be negatively impacted by the Security and Prosperity Partnership of North America process, such as the ''open borders'' vision of the Security and Prosperity Partnership, eminent domain takings of private property along planned superhighways, and increased law enforcement problems along those superhighways: Now, therefore, be it

Resolved by the Senate that the members of this body urge the United States Congress, especially the congressional delegation from Georgia, to use all its efforts, energies, and diligence to withdraw the United States from any further participation in the Security and Prosperity Partnership of North America and any similar bilateral or multilateral activity, however named, that seeks to advance, authorize, or fund or in any way promote the creation of any structure or relationship to accomplish any form of North American integration or merger. Be it further

Resolved that the Secretary of the Senate is authorized and directed to transmit an appropriate copy of this resolution to Vice President Dick Cheney, Speaker of the United States House of Representatives Nancy Pelosi, and each member of the Georgia congressional delegation.

POM–354. A resolution adopted by the Senate of the State of Massachusetts urging Congress to encourage Turkey to respect the religious rights of all people; to the Committee on Foreign Relations.

RESOLUTION

Whereas, the Theological School of Halki, located on the Island of Heybeliada in the Republic of Turkey, was preceded by the Monastery of the Trinity and was characterized as a stadium of wisdom because of its library and those drawn to study on its premises; and

Whereas, the Monastery was rebuilt and rededicated on September 23, 1844, as an Orthodox School of theology, which nurtured educators and scholars from around the world for 127 years and served the needs of the international academic community; and

Whereas, the Theological School of Halki, labeled as a seminary, was closed in 1971 by turkish authorities pursuant to a law requiring higher education and military training to be controlled by the Turkish State; and

Whereas, Turkish law further requires that the ecumenical patriarch of the Orthodox Church and all clergy, faculty and students of the Theological School of Halki be citizens of turkey, a requirement that greatly obstructs the prosperity of religious institutions; and

Whereas, before its closure, the Theological School of Halki was the only educational institution for Orthodox Christian leadership in Turkey; and

Whereas, strict limitations have been imposed by the turkish government that restrict access to the school's library, a collection of some of the rarest and most precious works in the world; and

Whereas, because of these limitations, people are prevented from conducting meaningful scholarly research; and

Whereas, the ecumenical patriarchate in Turkey, where the canonical structure of the

Christian Orthodox Church was established, is the spiritual center for more than 300,000,000 Orthodox Christians worldwide, including approximately 5,000,000 Orthodox Christians in the United States and 150,000 Orthodox Christians in the commonwealth; and

Whereas, the closure of the Theological School of Halki has adversely impacted the ecumenical patriarchate's ability to educate its clergy and, ultimately, to select its next ecumenical patriarch; and

Whereas,, the closure has come to symbolize repression of religious freedom for all faiths in Turkey; and

Whereas, freedom of religion has long been recognized as a right which has contributed significantly to the establishment and growth of the citizens of the commonwealth and is central to the ideals of all people: Now, therefore, be it

Resolved, That the Massachusetts Senate hereby memorializes the President of the United States, the Congress of the United States and the United States Department of State to take all actions necessary to encourage the Government of Turkey to adopt and uphold international standards for the protection of human rights, to reopen the Theological School of Halki in order to continue religious training, to eliminate all forms of discrimination in accordance with the ideals associated with the European Union, its member states and all liberal democracies, particularly those based on race and religion, and to respect the human rights and property of the ecumenical patriarchate by safeguarding religious freedom for all; and be it further

Resolved, That a copy of these resolutions be transmitted forthwith by the clerk of the Senate to the President of the United States, the Secretary of State of the United States and the Presiding Officer of each branch of Congress and to the members thereof from the commonwealth.

POM–355. A resolution adopted by the House of Representatives of the State of Louisiana urging Congress to take such actions as are necessary to create a national catastrophe fund; to the Committee on Homeland Security and Governmental Affairs.

HOUSE RESOLUTION NO. 30

Whereas, the hurricane seasons of 2004 and 2005 were startling reminders of both the human and economic devastation that hurricanes, flooding, and other natural disasters can cause; and

Whereas, creation of a federal catastrophe fund is a comprehensive, integrated approach to help better prepare and protect the nation from natural catastrophes, such as hurricanes, tornadoes, wildfires, snowstorms, and earthquakes; and

Whereas, the current system of responses to catastrophes leaves many people and businesses at risk of being unable to replace what they lost, wastes tax dollars, raises insurance premiums, and leads to shortages of insurance needed to sustain our economy; and

Whereas, creation of a federal catastrophe fund would help stabilize insurance markets following a catastrophe and help steady insurance costs for consumers while making it possible for private insurance to be written in catastrophe-prone areas; and

Whereas, a portion of the premiums collected by insurance companies could be deposited into such a fund which could be administered by the United States Treasury and grow tax free; and

Whereas, a portion of the interest earnings of the fund could be dedicated to emergency responder efforts and public education and mitigation programs; and

Whereas, the federal catastrophe fund would operate as a ''backstop'' and could only be accessed when private insurers and state catastrophe funds have paid losses in excess of a defined threshold; and

Whereas, utilizing the capacity of the federal government would help smooth out fluctuations which consumers currently experience in insurance prices and availability because of exposure to large catastrophic losses and would provide better protection at a lower price; and

Whereas, when there is a gap between the insurance protection consumers buy and the damage caused by a major catastrophe, taxpayers across the country pay much of the difference, as congressional appropriations of billions of dollars for the after-the-fact disaster relief in the aftermath of Hurricane Katrina demonstrated; and

Whereas, on November 8, 2007, the United States House of Representatives passed the Homeowners' Defense Act of 2007 (H.R. 3355) that would help ensure that individuals and communities destroyed by natural catastrophes have the resources necessary to repair, rebuild, and recover in the aftermath of massive hurricanes, earthquakes, or other natural events; and

Whereas, the Homeowners' Defense Act of 2007 was sponsored by Florida Representatives Ron Klein, Tim Mahoney, and Ginny Brown-Waite and nearly four dozen cosponsors from around the country including then Congressman Bobby Jindal, now governor of the state of Louisiana; and

Whereas, the Senate should pass similar legislation that will integrate the approach of H.R. 3355 with H.R. 91, which includes the Consumer Hurricane and Earthquake Loss Protection Fund and earlier legislative initiatives that will include the Consumer HELP Fund. Therefore, be it

Resolved, That the House of Representatives of the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to create a national catastrophe fund; be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–356. A resolution adopted by the Legislature of the State of Nebraska urging Congress to continue its efforts to account for all of the missing people from the Vietnam War; to the Committee on Veterans' Affairs.

LEGISLATIVE RESOLUTION NO. 376

Whereas, the official United States military dates for the Vietnam War are August 5, 1964, to January 27, 1973; and

Whereas, over 3,403,000 people served in the United States military in Southeast Asia; and

Whereas, over 2,594,000 people served in the United States military in South Vietnam; and

Whereas, over 58,209 people from the United States died as a result of the war in Southeast Asia and Vietnam from November 1, 1955, the commencement of the military Assistance Advisory Group, to May 15, 1975, when the last United States military member left Southeast Asia; and

Whereas, over 396 Nebraskans died as a result of the Vietnam War; and

Whereas, over 94 Omaha residents died as a result of the Vietnam War, including the following:

Name, Service, Date of Death or Date Declared Dead

Adolf, Larry Eugene, USMC, May 9, 1968

Anderson, Warren Charles, ARMY, August, 15, 1970

Backhaus, Steven Eugene, USMC, December 21, 1969

Bailey, Allen Charles, USMC, March 4, 1966

Bailey, Byrle Bennett, USMC, May 25, 1969

Barney, Terence Edward, USMC, March 17, 1969

Bazar, Paul Thomas, USMC, April 21, 1969

Becker, Michael Paul, USMC, June 7, 1968

Bigley, Richard Ray, USMC, November 22, 1965

Biscamp, Marvin Lynn, ARMY, April 12, 1972

Bosiljevac, Michael Joseph, USAF, Unknown date, 1978

Bragg, Paul Joseph, USMC, July 15, 1969

Buckles, Donald Ray, ARMY, January 28, 1968

Bull, Kenneth R., ARMY, April 17, 1969

Caldwell, Larry Gail, ARMY, May 9, 1968

Cole, Muril Steven, USMC, October 1, 1969

Crayne, Kenneth Eugene, ARMY, December 1, 1970

Cunningham, Richard Ira, ARMY, April 27, 1969

Davis, John Clinton, ARMY, April 28, 1969

Doolittle, Jon Hiliare, ARMY, May 6, 1970

Farrell, Timothy Charles, ARMY, February 11, 1970

Flournoy, James Kaiser, USMC, March 31, 1968

Foley, James Williams, ARMY, January 26, 1968

Fous, James William, ARMY, May 14, 1968

Garcia, Jerry Frank, USMC, April 17, 1968

Gerry, Ronald Lee, ARMY, January 5, 1966

Goc, Paul Stephen Jr., ARMY, June 14, 1969

Griffin, Gerald Charles, NAVY, October 6, 1962

Gronborg, Martin Wayne Jr., ARMY, September 4, 1971

Haakenson, Robert W. Jr., NAVY, October 24, 1972

Hansen, Robert Greg, ARMY, August 7, 1970

Hiley, Thomas Charles, ARMY, January 31, 1968

Hunter, Henry David, ARMY, July 8, 1969

Iler, Kenneth Marvin, USMC, May 29, 1968

Jackson, Eddie Lee Jr., ARMY, November 4, 1968

Johnson, Gary Lee, ARMY, June 18, 1971

Johnson, Lane Carston, ARMY, November 11, 1968

Kavulak, John Henry, USMC, September 21, 1967

Keith, Miguel, USMC, May 8, 1970

Keller, Kenneth Lavern, ARMY, February 11, 1970

Kelley, Harvey Paul, ARMY, November 20, 1969

Kier, Larry Gene, ARMY, September 12, 1978

Klabunde, Arthur John Jr., USMC, January 25, 1968

Klabunde, John Paul, USMC, September 6, 1967

Kocanda, Jerry Joseph III, ARMY, May 21, 1969

Konwinski, Ronald Eugene, USMC, February 6, 1968

Kotrc, James Carl, ARMY, July 29, 1969

Kudlacek, Edwin Allen, ARMY, September 28, 1971

Laird, James Alan, ARMY, October 31, 1970

Lambooy, John Patrick, ARMY, September 19, 1969

Lamere, Anthony John, ARMY, July 1, 1971

Leighton, Earl Laroy, NAVY, January 17, 1969

Luedke, William, ARMY, October 28, 1968

Marchand, Wayne Ellsworth, ARMY, April 8, 1962

Marsh, Alan Richard, ARMY, June 2, 1967

Maxwell, Samuel Chapman, USAF, June 21, 1978

McAllister, Cameron Trent, ARMY, September 7, 1969

Mickna, John Ronald, ARMY, February 23, 1967

Moore, Daniel Eugene Jr., NAVY, February 22, 1967
Morrison, James Anton, ARMY, September 12, 1967
Mueller, Steven Wayne, USMC, December 22, 1967
Murphy, John Patrick, ARMY, July 22, 1968
Nachtigall, David Joseph, ARMY, February 23, 1970
Oonk, Lester Eugene, USAF, August 13, 1970
Perrin, Richard Thomas, ARMY, June 27, 1966
Pinegar, William Dennis, ARMY, October 6, 1965
Poese, Nigel Frederick, ARMY, March 20, 1969
Radil, Ronald Ludwig, ARMY, October 14, 1967
Ross, Milton Alan, ARMY, February 9, 1969
Salyards, Patrick John, USMC, December 9, 1966
Sanders, Mack Royal, ARMY, May 12, 1966
Sandstedt, Daniel Joseph, ARMY, June 19, 1967
Schmidt, Gary Russell, ARMY, September 25, 1967
Shelton, Craig Stephen, USMC, January 25, 1967
Shrader, Harold William, ARMY, August 9, 1965
Shuey, Glenn Colin, USMC, December 20, 1969
Skavaril, Thomas Joseph, ARMY, January 5, 1968
Smith, Michael Francis, ARMY, April 28, 1968
Smith, Paul Richard, ARMY, July 6, 1963
Smith, Thomas Leroy, ARMY, September 11, 1969
Sobolik, Karl David, USAF, November 26, 1966
Solomon, Wilfred L. Sr., ARMY, February 8, 1968
Spencer, Frank III, ARMY, January 23, 1970
Stolinski, James Francis, ARMY, March 26, 1968
Straus, Allen Arthur, ARMY, May 6, 1968
Utts, William Warner, ARMY, March 19, 1969
Waite, Donald Steven, ARMY, February 9, 1968
Wigton, Philip Gregory, USMC, May 9, 1968
Wilkinson, Harland Lyle, ARMY, September 26, 1969
Wilson, Michael Joseph, USMC, May 12, 1967
Wojtkiewicz, Ronald Joseph, ARMY, April 10, 1968
Wolf, Jack Morse, ARMY, March 28, 1968
Zabrowski, Louis, ARMY, December 27, 1969
Ziehe, Gerald Dean, USAF, October 21, 1968; and

Whereas, at least 1,763 United States military service members serving in Southeast Asia remain unaccounted for, including the following 19 from Nebraska:

Name, Service, Hometown, Date of Incident
Biber, Gerald Mack, ARMY, Benkelman, April 22, 1961
Booze, Delmar George, USMC, Papillion, January 24, 1966
Brennan, Herbert Owen, USAF, O'Neill, November 26, 1967
Brenning, Richard David, NAVY, Lincoln, July 26, 1969
Confer, Michael Steele, NAVY, McCook, October 10, 1966
Cordova, Robert James, NAVY, Boys Town, January 27, 1968
Grella, Donald Carroll, ARMY, Laurel, December 28, 1965
Kahler, Harold, USAF, Lincoln, June 14, 1969
Klingner, Michael Lee, USAF, McCook, April 6, 1970
Magers, Paul Gerald, ARMY, Sidney, June 1, 1971
Ogden, Howard Jr., USMC, Omaha, October 18, 1967
Robinson, Larry Warren, USMC, Randolph, January 5, 1970
Scheurich, Thomas Edwin, NAVY, Norfolk, March 1, 1968
Smiley, Stanley Kutz, NAVY, Sidney, July 20, 1969
Sprick, Doyle, USMC, Fort Calhoun, January 24, 1966
Stafford, Ronald Dean, USAF, Oxford, November 21, 1972
Stark, Willie E., ARMY, Omaha, December 2, 1966
Thomas. Daniel W., USAF, Danbury, July 6, 1971
Zich, Larry Alfred, ARMY, Lincoln, April 3, 1972; and

Whereas, at least 150,332 of the United States military service members were wounded during their service in Southeast Asia; and

Whereas, countless numbers returned home with physical and psychological injuries, including post-traumatic stress disorder (PTSD), that were not treated; and

Whereas, countless numbers remain homeless and in despair: Now, therefore, be it

Resolved, by the members of the one hundredth legislature of Nebraska, second session:

1. That the Legislature urges the President of the United States and the United States Congress to continue efforts to account for all of the missing people from the Vietnam War, return any remains to their families, and continue to improve efforts to aid homeless, drug-dependent, and wounded veterans, including those afflicted with post-traumatic stress disorder.

2. That the Legislature acknowledges that, in the past, a less than grateful attitude was shown towards Vietnam Veterans and now belatedly recognizes their service, sacrifice, and suffering.

3. That the Legislature hereby commemorates the thirty-fifth anniversary of the end of the Vietnam War and the twenty-fifth anniversary of the healing Vietnam Veterans Memorial in Washington, DC, by extending to all those who served in Southeast Asia and in Vietnam a long overdue, ''Welcome Home, Vietnam Veteran, Welcome Home!''.

4. That the Clerk of the Legislature send a copy of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to the United States Congressional delegation representing the State of Nebraska.

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 Ms. MURKOWSKI:

S. 3045. A bill to establish the Kenai Mountains-Turnagain Arm National Forest Heritage Area in the State of Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BROWNBACK (for himself, Mr. CASEY, Mr. COLEMAN, Mr. SPECTER, and Mr. INHOFE):

S. 3046. A bill to amend the Federal Food, Drug, and Cosmetic Act to create a new conditional approval system for drugs, biological products, and devices that is responsive to the needs of seriously ill patients, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for Mr. OBAMA (for himself, Mr. LUGAR, Mr. SANDERS, and Mr. BROWN)):

S. 3047. A bill to provide for the coordination of the Nation's science, technology, engineering, and mathematics education initiatives; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWN:

S.J. Res. 33. A joint resolution recognizing the efforts of the Ohio Department of Mental Health and the Ohio Department of Alcohol and Drug Addiction Services to address the stigma associated with mental health and substance use disorders; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. DOLE:

S. Res. 572. A resolution calling upon the Court of Appeal for the Second Appellate District of California to uphold the fundamental and constitutional right of parents to direct the upbringing and education of their children; to the Committee on the Judiciary.

By Mr. MARTINEZ (for himself, Mr. MENENDEZ, Mr. ENSIGN, Mr. NELSON of Florida, Mr. COLEMAN, and Mr. LIEBERMAN):

S. Res. 573. A resolution recognizing Cuba Solidarity Day and the struggle of the Cuban people as they continue to fight for freedom; considered and agreed to.

By Mr. REID (for Mrs. CLINTON (for herself and Mrs. MURRAY)):

S. Con. Res. 83. A concurrent resolution supporting the goals and ideals of National Better Hearing and Speech Month; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 11

At the request of Mr. INHOFE, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 11, a bill to provide liability protection to volunteer pilot nonprofit organizations that fly for public benefit and to the pilots and staff of such nonprofit organizations, and for other purposes.

S. 38

At the request of Mr. DOMENICI, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 38, a bill to require the Secretary of Veterans Affairs to establish a program for the provision of readjustment and mental health services to veterans who served in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes.

S. 755

At the request of Mr. SCHUMER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 755, a bill to amend title XIX of the Social Security Act to require States to provide diabetes screening tests under the Medicaid program for adult enrollees with diabetes risk

factors, to ensure that States offer a comprehensive package of benefits under that program for individuals with diabetes, and for other purposes.

S. 777

At the request of Mr. CRAIG, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 777, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 1108

At the request of Mr. SMITH, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1108, a bill to amend title XVIII of the Social Security Act to provide a special enrollment period for individuals who qualify for an income-related subsidy under the Medicare prescription drug program and to provide funding for the conduct of outreach and education with respect to the premium and cost-sharing subsidies under such program, and for other purposes.

S. 1210

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1210, a bill to extend the grant program for drug-endangered children.

S. 1233

At the request of Mr. AKAKA, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1233, a bill to provide and enhance intervention, rehabilitative treatment, and services to veterans with traumatic brain injury, and for other purposes.

S. 1259

At the request of Mr. CASEY, his name was added as a cosponsor of S. 1259, a bill to amend the Foreign Assistance Act of 1961 to provide assistance for developing countries to promote quality basic education and to establish the achievement of universal basic education in all developing countries as an objective of United States foreign assistance policy, and for other purposes.

S. 1384

At the request of Mr. AKAKA, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1384, a bill to amend title 38, United States Code, to repeal authority for adjustments to per diem payments to homeless veterans service centers for receipt of other sources of income, to extend authorities for certain programs to benefit homeless veterans, and for other purposes.

S. 1951

At the request of Mr. BAUCUS, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1951, a bill to amend title XIX of the Social Security Act to ensure that individuals eligible for medical assistance under the Medicaid program continue to have access to prescription drugs, and for other purposes.

S. 1954

At the request of Mr. BAUCUS, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1954, a bill to amend title XVIII of the Social Security Act to improve access to pharmacies under part D.

S. 2063

At the request of Mr. GREGG, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2063, a bill to establish a Bipartisan Task Force for Responsible Fiscal Action, to assure the economic security of the United States, and to expand future prosperity and growth for all Americans.

S. 2161

At the request of Mr. JOHNSON, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2161, a bill to ensure and foster continued patient safety and quality of care by making the antitrust laws apply to negotiations between groups of independent pharmacies and health plans and health insurance issuers (including health plans under parts C and D of the Medicare Program) in the same manner as such laws apply to protected activities under the National Labor Relations Act.

S. 2303

At the request of Mr. BURR, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2303, a bill to amend section 435(o) of the Higher Education Act of 1965 regarding the definition of economic hardship.

S. 2369

At the request of Mr. BAUCUS, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 2369, a bill to amend title 35, United States Code, to provide that certain tax planning inventions are not patentable, and for other purposes.

S. 2408

At the request of Mr. KERRY, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2408, a bill to amend title XVIII of the Social Security Act to require physician utilization of the Medicare electronic prescription drug program.

S. 2504

At the request of Mr. NELSON of Florida, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 2504, a bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 2511

At the request of Mr. LEAHY, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 2511, a bill to amend the grant program for law enforcement armor vests to provide for a waiver of or reduction in the matching funds requirement in the case of fiscal hardship.

S. 2565

At the request of Mr. BIDEN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2565, a bill to establish an awards mechanism to honor exceptional acts of bravery in the line of duty by Federal law enforcement officers.

S. 2619

At the request of Mr. COBURN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2619, a bill to protect innocent Americans from violent crime in national parks.

S. 2666

At the request of Ms. CANTWELL, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2666, a bill to amend the Internal Revenue Code of 1986 to encourage investment in affordable housing, and for other purposes.

S. 2668

At the request of Mr. KERRY, the names of the Senator from New Mexico (Mr. DOMENICI), the Senator from Arkansas (Mrs. LINCOLN), the Senator from South Carolina (Mr. DEMINT) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 2668, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 2766

At the request of Mr. NELSON of Florida, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 2766, a bill to amend the Federal Water Pollution Control Act to address certain discharges incidental to the normal operation of a recreational vessel.

S. 2827

At the request of Mr. INHOFE, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 2827, a bill to repeal a requirement with respect to the procurement and acquisition of alternative fuels.

S. 2828

At the request of Mr. BAUCUS, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2828, a bill to require the Secretary of the Treasury to mint and issue coins commemorating the 100th anniversary of the establishment of Glacier National Park, and for other purposes.

S. 2844

At the request of Mr. LAUTENBERG, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2844, a bill to amend the Federal Water Pollution Control Act to modify provisions relating to beach monitoring, and for other purposes.

S. 2934

At the request of Mr. MENENDEZ, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2934, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide a plot allowance for spouses and children of certain veterans who are buried in State cemeteries.

S. 3040

At the request of Mr. LAUTENBERG, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3040, a bill to amend the Toxic Substances Control Act to reduce the exposure of children, workers, and consumers to toxic chemical substances.

S. RES. 569

At the request of Mr. INOUYE, his name was added as a cosponsor of S. Res. 569, a resolution expressing the sense of the Senate regarding the earthquake that struck Sichuan Province of the People's Republic of China on May 12, 2008.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MURKOWSKI:

S. 3045. A bill to establish the Kenai Mountains-Turnagain Arm National Forest Heritage Area in the State of Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, the Kenai Mountains-Turnagain Arm National Forest Heritage Area would be the first Heritage Area in Alaska, and one of a few Heritage Areas in the West. Our proposal encompasses the wide mountainous corridor that was the major gateway to pioneer settlement of the State, extending from Seward through the Kenai Mountains to the upper Turnagain Arm. Here mountain trails developed by indigenous First Alaskans became prospectors' trails and, eventually, the roads and railroad used by the pioneers who settled the last frontier of the United States. Transportation, resource development and settlement in this rugged, often-treacherous landscape provide a powerful reminder of the fortitude and resourcefulness of the pioneers of America's Last Frontier.

Historic communities that were developed around mining and early transportation routes have preserved much of their original character. A visit to the Hope Townsite is a visit to a living community that still resembles the gold rush town that it was before the rush to the Klondike. The City of Whittier provides a glimpse of our Nation's intense effort to develop an ice-free port to supply troops who were defending our boundaries in Alaska during World War II. As in the early days, all the signs of human activity in the corridor are dwarfed by the sweeping landscapes of the region, by the magnificence of the mountains, glaciers and tidal fjords and the dominance and power of nature. Turnagain Arm, once a critical transportation link, has one of the world's greatest tidal ranges.

This Heritage Area proposal, truly a grass roots product, began in 1997 when the Kenai Peninsula Historical Association asked a group of local community leaders to reach out and tell people about Heritage Areas. They were successful in garnering support from communities throughout the corridor. These local folks have extensive knowledge of the resources; they are personally acquainted with the area; they understand the ruggedness and the beauty of the land, and certainly appreciate the potential economic value this designation would bring to the area.

In 2000 these community leaders organized the Kenai Mountains-Turnagain Arm National Heritage Area Corridor Communities Association as a non-profit organization with a board of directors made up of corridor community representatives. Later a congressionally designated grant made it possible for the new non-profit to serve as a local coordinating entity and prove its ability to plan and accomplish projects consistent with Heritage Area purposes. Through their management of the grant, historic structures were preserved, a small museum has opened, parks and pavilions with historic interpretation have been constructed, oral histories have been collected from oldtimers and recorded, and an excellent book on corridor history has been published.

Since the corridor is within the western part of the Chugach National Forest, the Association has asked to put this Heritage Area under the Secretary of Agriculture. The bill provides for coordination with the Secretaries of Interior and includes the same components, structure and national recognition as Heritage Areas under the Secretary of Interior. Similar components assure that the Heritage Area will not impact private property rights or public land management. A Memorandum of Understanding between the Secretaries of Agriculture and Interior would establish coordination at the Secretarial level. Passage of this bill will be an excellent way to commemorate the recent centennial of the Chugach National Forest.

I am proud to lend my support to this grassroots effort by introducing legislation today to designate the Kenai Mountains-Turnagain Arm in Alaska as our most northern and western National Heritage Area, the first National Heritage Area in Alaska and the first National Forest Heritage Area to be assisted by the U.S. Forest Service.

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. 3045

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 ''Kenai Mountains-Turnagain Arm National Forest Heritage Area Act''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Kenai Mountains-Turnagain Arm transportation corridor—

(A) is a major gateway to Alaska;

(B) includes a range of transportation routes used by—

(i) indigenous people; and

(ii) the pioneers that settled the last frontier of the United States;

(C) is located in the heart of the Chugach National Forest, which was established by presidential proclamation on July 23, 1907, by Theodore Roosevelt; and

(D) includes a historically significant segment of the Iditarod Trail connecting Seward and Nome, which was—

(i) scouted by the Alaska Road Commission in 1908; and

(ii) designated as the Iditarod National Historic Trail in 1978;

(2) the cultural landscape formed by indigenous people and by settlement, transportation, and modern resource development in the rugged and often treacherous natural setting of the transportation corridor provides a powerful testimony to the human fortitude, perseverance, and resourcefulness of the people who—

(A) settled the frontier; and

(B) represent the proudest heritage of the United States;

(3) the natural history and scenic splendor of the transportation corridor are equally outstanding;

(4) the transportation corridor includes vistas of the power of nature, such as evidence of earthquake subsidence, recent avalanches, retreating glaciers, and tidal action along Turnagain Arm, which has the second greatest tidal range in the world;

(5) there is a national interest in recognizing, preserving, promoting, and interpreting the resources of the transportation corridor;

(6) the Kenai Mountains-Turnagain Arm region is—

(A) geographically and culturally cohesive; and

(B) defined by a corridor of historic routes, trails, water, railroads, and roadways through a distinct landscape of mountains, lakes, and fjords;

(7) the region played a unique role as a portal and transportation corridor through which indigenous people, explorers, missionaries, gold miners, cannery workers, big game hunters, homesteaders, foresters, railroad workers, military personnel, and petroleum developers traveled into southcentral and interior Alaska as part of the waves of travel that characterized the history of the United States;

(8) the region exhibits a high degree of integrity with vast tracks of rugged, undeveloped areas and natural scenery that still look much as the area did to the original inhabitants, the indigenous people, and early explorers and pioneers of the region;

(9) studies that led to the designation of the Iditarod National Historic Trail, the Seward Highway All American Road, and the Alaska Railroad National Scenic Railroad—

(A) determined the national significance of separate transportation routes traversing the region; and

(B) illustrate the national significance of heritage resources in the region;

(10) designation of the transportation corridor as a national heritage area—

(A) provides for a comprehensive interpretation of human history in the wide transportation corridor through the Kenai Mountains and upper Turnagain Arm, including early Native trade routes, historic waterways, mining trails, historic communities, and the 3 designated routes of national significance referred to in paragraph (9);

(B) recognizes the national significance of the Kenai Mountains-Turnagain Arm transportation corridor, including—

(i) the historic and modern resource development of the transportation corridor; and

(ii) the cultural, natural, and recreational resources and landscapes of the transportation corridor; and

(C) would provide assistance to local communities, Indian tribes, and residents of the transportation corridor in—

(i) preserving and interpreting cultural and historic resources; and

(ii) fostering cooperative planning and partnerships;

(11) an additional feasibility study for the Heritage Area is not needed before designation of the Heritage Area because the studies referred to in paragraph (9) provide sufficient documentation of—

(A) the national significance of heritage resources in the region; and

(B) the support of local communities for designation of the Heritage Area; and

(12) the Kenai Mountains-Turnagain Arm National Forest Heritage Corridor Communities Association—

(A) has been formed as a nonprofit corporation to act as the Local Coordinating Entity for the Heritage Area; and

(B) is governed by bylaws that define the purposes of the Association as the purposes established by Congress for the Kenai Mountains-Turnagain Arm National Forest Heritage Area.

(b) PURPOSES.—The purposes of this Act are—

(1) to recognize, preserve, and interpret the historic and modern resource development and cultural landscapes of the Kenai Mountains-Turnagain Arm historic transportation corridor; and

(2) to promote and facilitate the public enjoyment of the resources.

SEC. 3. DEFINITIONS.

In this Act:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Kenai Mountains-Turnagain Arm National Forest Heritage Area established by section 4(a).

(2) LOCAL COORDINATING ENTITY.—The term ''Local Coordinating Entity'' means the local coordinating entity for the Heritage Area designated by section 5(a).

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Heritage Area developed under section 6.

(4) MAP.—The term ''map'' means the map entitled ''Draft Proposed NHA Kenai Mountains-Turnagain Arm'' and dated August 7, 2007.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(6) STATE.—The term ''State'' means the State of Alaska.

SEC. 4. ESTABLISHMENT OF KENAI MOUNTAINS-TURNAGAIN ARM NATIONAL FOREST HERITAGE AREA.

(a) ESTABLISHMENT.—There is established in the State the Kenai Mountains-Turnagain Arm National Forest Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall be comprised of the land in the Kenai Mountains and upper Turnagain Arm region, as generally depicted on the map.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in—

(1) the appropriate offices of the Forest Service, Chugach National Forest;

(2) the Alaska Regional Office of the National Park Service; and

(3) the Alaska State Historic Preservation Officer.

SEC. 5. LOCAL COORDINATING ENTITY.

(a) DESIGNATION.—The Kenai Mountains-Turnagain Arm National Forest Heritage Corridor Communities Association, a nonprofit corporation chartered in the State, shall be the local coordinating entity for the Heritage Area.

(b) DUTIES.—To further the purposes of the Heritage Area, the Local Coordinating Entity shall—

(1) in accordance with section 6, prepare and submit to the Secretary a management plan for the Heritage Area;

(2) for any fiscal year for which the Local Coordinating Entity receives Federal funds under this Act—

(A) submit an annual report to the Secretary that describes—

(i) the specific performance goals and accomplishments of the Local Coordinating Entity;

(ii) the expenses and income of the Local Coordinating Entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and the sources of the leveraging; and

(v) any grants made to any other entities during the fiscal year; and

(B) make available to the Secretary for audit any information relating to the expenditure of—

(i) the Federal funds; and

(ii) any matching funds; and

(3) encourage, consistent with the purposes of the Heritage Area, the economic viability and sustainability of the Heritage Area.

(c) AUTHORITIES.—For the purposes of developing and implementing the management plan for the Heritage Area, and subject to section 9(c), the Local Coordinating Entity may use Federal funds made available under this Act to—

(1) make grants to units of local government, nonprofit organizations, and other parties within the Heritage Area;

(2) enter into agreements with, or provide technical assistance to, Federal agencies, units of local government, nonprofit organizations, and other interested parties;

(3) hire and compensate staff, including individuals with expertise in—

(A) natural, historic, cultural, educational, scenic, and recreational resource conservation;

(B) economic and community development; and

(C) heritage planning;

(4) obtain funds or services from any source, including other Federal laws or programs;

(5) contract for goods or services; and

(6) support activities of partners and any other activities that—

(A) further the purposes of the Heritage Area; and

(B) are consistent with the management plan.

(d) PUBLIC MEETINGS.—

(1) IN GENERAL.—Annually, the Local Coordinating Entity shall conduct at least 2 meetings open to the public regarding the development and implementation of the management plan.

(2) NOTICE; AVAILABILITY OF MINUTES.—The Local Coordinating Entity shall—

(A) publish a notice of each public meeting in a newspaper of general circulation in the Heritage Area; and

(B) make the minutes of the meeting available to the public.

(e) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The Local Coordinating Entity shall not use Federal funds authorized under this Act to acquire any interest in real property.

SEC. 6. MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan, the Local Coordinating Entity shall submit to the Secretary for approval a management plan for the Heritage Area.

(b) REQUIREMENTS.—The management plan shall—

(1) include—

(A) a list of comprehensive policies, goals, strategies, and recommendations for actions and projects consistent with the purposes of the Heritage Area;

(B) a description of proposed actions and financial commitments of governments (including tribal governments) and private organizations that would accomplish the purposes of the Heritage Area;

(C) a description of the role and participation of the Federal Government and State, tribal, and local governments that have jurisdiction over land within the Heritage Area; and

(D) an inventory of the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;

(2) identify existing and potential sources of funding to accomplish the recommended actions and projects for the Heritage Area;

(3) include a business plan that—

(A) describes the role, operation, financing, and functions of—

(i) the Local Coordinating Entity; and

(ii) each of the major activities addressed in the management plan; and

(B) provides adequate assurances that the Local Coordinating Entity has the partnerships and financial and other resources necessary to implement the management plan; and

(4) be consistent with Federal, State, borough, and local plans, including—

(A) the plans for the Chugach National Forest and the Kenai Fjords National Park; and

(B) State transportation and historic management plans.

(c) TERMINATION OF FUNDING.—If the Local Coordinating Entity does not submit the management plan to the Secretary by the date that is 3 years after the date on which funds are first made available to develop the management plan, the Local Coordinating Entity shall be ineligible to receive additional funding under this Act until the date on which the management plan is approved by the Secretary.

(d) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of receipt of the management plan under subsection (a), the Secretary shall approve or disapprove the management plan.

(2) CONSIDERATIONS.—In determining whether to approve or disapprove the management plan under paragraph (1), the Secretary shall consider whether—

(A) the Local Coordinating Entity—

(i) has afforded adequate opportunities for public and governmental involvement in the preparation of the management plan; and

(ii) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;

(B) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

(C) the management plan—

(i) is consistent with applicable Federal, State, borough, and local plans; and

(ii) would not adversely affect any activities authorized on Federal land;

(D) the Local Coordinating Entity, in partnership with other entities, has demonstrated the financial capability to carry out the management plan;

(E) the Secretary has received adequate assurances from State and local officials, the

support of which is needed to ensure the effective implementation of the State and local elements of the management plan; and

(F) the management plan demonstrates sufficient partnerships among the Local Coordinating Entity, the Federal Government, State and local governments, regional planning organizations, nonprofit organizations, or private sector parties to implement the management plan.

(3) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan under paragraph (1), the Secretary shall—

(A) advise the Local Coordinating Entity in writing of the reasons for the disapproval;

(B) make recommendations for revisions to the management plan; and

(C) not later than 180 days after the receipt of any proposed revision of the management plan, approve or disapprove the proposed revision.

(e) AMENDMENTS.—

(1) IN GENERAL.—The Secretary shall review and approve any substantial amendments to the management plan in accordance with subsection (d).

(2) USE OF FUNDS.—Funds made available under this Act shall not be expended by the Local Coordinating Entity to implement any changes made by an amendment described in paragraph (1) until the Secretary approves the amendment.

(f) IMPLEMENTATION.—In implementing the management plan, the Local Coordinating Entity shall give priority to—

(1) carrying out programs that recognize important resource values within the Heritage Area;

(2) encouraging economic viability in the affected communities;

(3) establishing and maintaining interpretive exhibits within the Heritage Area;

(4) improving and interpreting heritage trails;

(5) increasing public awareness of, and appreciation for, the natural, historic, and cultural resources of the Heritage Area, including the contributions of local Indian tribes;

(6) providing opportunities for expanding the public perception of the need for modern resource development of the Heritage Area;

(7) restoring historic buildings and structures that are located within the Heritage Area; and

(8) ensuring that clear, consistent, and appropriate signs identifying public access points and sites of interest are appropriately placed in the Heritage Area.

SEC. 7. DUTIES AND AUTHORITIES OF THE SECRETARY.

(a) MEMORANDUM OF UNDERSTANDING.—The Secretary shall enter into a memorandum of understanding with the Secretary of the Interior to establish a general framework for cooperation and consultation in the development and implementation of the management plan.

(b) AUTHORITIES.—The Secretary may—

(1) subject to the availability of funds, provide technical and financial assistance for the development and implementation of the management plan;

(2) enter into cooperative agreements with interested parties to carry out this Act; and

(3) in partnership with the Local Coordinating Entity, provide information on, promote understanding of, and encourage research on the Heritage Area.

(c) INFORMATION RELEASED BY THE SECRETARY OF THE INTERIOR.—The Secretary of the Interior shall include the Heritage Area in all nationwide releases, listings, or maps that provide public information about the system of national heritage areas.

SEC. 8. PRIVATE PROPERTY PROTECTIONS.

(a) IN GENERAL.—Nothing in this Act—

(1) grants powers of zoning or management of land use to the Local Coordinating Entity;

(2) modifies, enlarges, or diminishes any authority of the Federal Government or any State, tribal, or local government to manage or regulate any use of land under applicable laws (including regulations);

(3) requires any private property owner to allow public access to the private property, including access by the Federal Government or tribal, State, or local governments;

(4) modifies any provision of Federal, tribal, State, or local law with respect to public access to, or use of, private property;

(5) obstructs or limits—

(A) business activities on private developments; or

(B) resource development activities;

(6) affects the rights of private property owners;

(7) restricts or limits an Indian tribe from protecting cultural or religious sites on tribal or Native Corporation land; or

(8) requires the owner of any private property located within the boundaries of the Heritage Area to participate in, or be associated with, the Heritage Area.

(b) APPLICABLE LAW.—Designation of the Heritage Area under this Act does not convey status to the Heritage Area as a conservation system unit (as defined in section 102 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3102)).

(c) LIABILITY.—Designation of the Heritage Area does not create any liability for, or affect any liability under any other law of, any private property owner with respect to a person injured on the private property.

(d) EFFECT OF ESTABLISHMENT.—Designation of the Heritage Area does not establish any regulatory authority on land use within the Heritage Area or the viewshed for the Federal Government or any State or local government.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subject to subsection (b), there are authorized to be appropriated and made available to the Local Coordinating Entity to carry out the development and implementation of the management plan—

(1) $350,000 for fiscal year 2008; and

(2) $500,000 for fiscal year 2009 and each fiscal year thereafter.

(b) LIMITATION.—Notwithstanding subsection (a), not more than $7,500,000 is authorized to be appropriated for the Heritage Area.

(c) COST SHARING REQUIREMENT.—To the maximum extent practicable, the Federal share of the total cost of any activity carried out using assistance under this Act shall be not more than 75 percent, including the contribution of in-kind services.

SEC. 10. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this Act terminates on the date that is 15 years after the date of enactment of this Act.

By Mr. BROWNBACK (for himself, Mr. CASEY, Mr. COLEMAN, Mr. SPECTER, and Mr. INHOFE):

S. 3046. A bill to amend the Federal Food, Drug, and Cosmetic Act to create a new conditional approval system for drugs, biological products, and devices that is responsive to the needs of seriously ill patients, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BROWNBACK. Mr. President, I rise to speak about a bill I introduced today: the Access, Compassion, Care and Ethics for Seriously-ill Patients Act, ACCESS, Act. I would like to thank the original Senate cosponsors: Senators BOB CASEY, NORM CROLEMAN, ARLEN SPECTER and JAMES INHOFE. I also especially thank Representative DIANNE WATSON who will be introducing the companion bill in the U.S. House of Representatives.

In the current era, certain cancers and other chronic diseases touch the lives of almost every American. If you have had the experience of a family member or friend struggling with terminal illness, you were probably aware of their need and limited timeline to access promising treatments. Unfortunately, the current system often does not work for the benefit of terminally-ill patients—during emotionally-charged times, patients and their families may face regulatory and bureaucratic hurdles if they wish to access investigational treatment options in order to preserve their lives. Many terminally-ill patients exhaust their treatment options and do not qualify for a clinical trial. They also do not physically have months to wait for an individual investigational treatment application to be approved.

In this day and age of scientific breakthroughs, we must embrace these advances and do so with a ''patient-centered'' mindset. Terminally-ill patients often reach a point where the potential benefits of these breakthrough treatments outweigh their inevitable risk of death from their disease.

I introduced the ACCESS Act to offer these patients an ethical option—compassionate access to treatments that show promise earlier in the drug development process. The average time for a treatment to go through the entire FDA approval process is 15 years. As a result, the current system tends to benefit future generations of patients with life-threatening diseases, rather than patients of the present time.

The ACCESS Act offers a new Compassionate Investigational Access approval system for treatments showing efficacy during clinical trials, for use by the seriously-ill patient population. Seriously-ill patients who have exhausted all alternatives and are seeking new treatment options, would be offered access to these treatments with the consent of their physician. This bill also improves upon the existing accelerated approval system, using a patient-centered framework. The ACCESS Act also makes a technical correction that will increase patient access to drugs used off-label to treat life-threatening diseases.

I ask my colleagues to join me in supporting the ACCESS Act that would offer patients, with little hope, a chance at life.

By Mr. BROWN:

S.J. Res. 33. A joint resolution recognizing the efforts of the Ohio Department of Mental Health and the Ohio Department of Alcohol and Drug Addiction Services to address the stigma associated with mental health and substance use disorders; to the Committee on Health, Education, Labor, and Pensions.

Mr. BROWN. Mr. President, May is National Mental Health Month. This proud tradition was started over 50 years ago. Each May, the mental health community comes together to raise awareness about mental health disorders and to celebrate recovery. The last 50 years have seen significant progress in the treatment of mental disorders.

We know that with treatment and support, it is possible to recover.

Dr. Fred Frese knows this first hand. I met Dr. Frese at a roundtable that I held in Cleveland, Ohio. Dr. Frese served as Director of Psychology at Western Reserve Psychiatric Hospital for 15 years. He is currently an Assistant Professor of Psychology in Clinical Psychiatry at Case Western Reserve University and Northeastern Ohio Universities College of Medicine. He has authored and reviewed numerous articles and chapters, lectured in several countries and served on the boards of trustees of various organizations that work on behalf of individuals with disabilities.

In 1999, Dr. Frese received the Hildreth Award, the highest honor given by the American Psychological Association's Psychologists in Public Service Division. Over the course of his career, he has testified numerous times before both houses of the United States Congress. Dr. Frese's career has been remarkable. His life has been remarkable.

He has been living with paranoid schizophrenia since 1966. Dr. Frese is remarkable. But his recovery is not unusual.

Many people stricken with mental illness can and do recover with appropriate treatment. But the stigma associated with mental health disorders can discourage people from getting the help they need. The U.S. Surgeon General's seminal report on mental health cites stigma as a significant barrier to recovery.

I am proud to say that Ohio's Departments of Mental Health and Alcohol and Drug Addiction Services are doing something about it. They have launched a ''Think Outside the Stigma'' campaign, a public information effort to increase awareness about the misperceptions associated with mental health and substance use disorders.

Today I am introducing a resolution commending this campaign.

My colleague in the house, Congressman Zack Space, is offering a companion resolution.

Imagine a world where individuals with mental disorders are supported and treated, not marginalized and discriminated against. Imagine a world where we see individuals first and disability second. Imagine the wealth of talent and resources that individuals with mental illness can realize with treatment. Individuals like Dr. Frese.

We must work together to overcome the unfair and unnecessary burden of stigma associated with mental illness and substance use disorders. We know that treatment can work. We know that people can recover. We know that Americans are well worth the investment.

We know that Americans are well worth the investment.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 572—CALLING UPON THE COURT OF APPEAL FOR THE SECOND APPELLATE DISTRICT OF CALIFORNIA TO UPHOLD THE FUNDAMENTAL AND CONSTITUTIONAL RIGHT OF PARENTS TO DIRECT THE UPBRINGING AND EDUCATION OF THEIR CHILDREN

Mrs. DOLE submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 572

Whereas the modern homeschool movement in the United States demonstrates that homeschooled children are a vital component of the United States education system;

Whereas homeschool graduates act responsibly as parents and as students in colleges and universities, are valuable in the workplace, and are productive citizens in society at large;

Whereas many studies confirm that children who are educated at home score considerably above the national average on nationally-normed achievement tests, and above the average on both the SAT and ACT college entrance exams;

Whereas homeschooled children, such as 2007 Heisman Trophy winner Tim Tebow, are receiving national recognition for their victories in national competitions, such as national spelling bees and geography bees, and are being highly sought after by nationally-recognized colleges and universities;

Whereas homeschooling families contribute significantly to the cultural diversity important to a healthy society;

Whereas notable individuals such as Benjamin Franklin, John Quincy Adams, Patrick Henry, Ansel Adams, Charles Dickens, and General Douglas MacArthur all received a high-quality education at home;

Whereas over 2,100,000 children are being homeschooled nationwide;

Whereas the Supreme Court has ruled that parents have a fundamental and constitutional right to direct the upbringing and education of their children, in the cases of Pierce v. Society of Sisters, 268 U.S. 510 (1925), Meyer v. Nebraska, 262 U.S. 390 (1923), and Wisconsin v. Yoder, 406 U.S. 205 (1972);

Whereas on February 28, 2008, the Court of Appeal for the Second Appellate District of California, in Los Angeles, California, issued an opinion in the case of In re Rachel L., 73 Cal. Rptr. 3d 77 (Cal. Ct. App. 2008), that homeschool parents who did not hold a teaching credential could not legally homeschool their children;

Whereas the initial decision by the Court of Appeal in that case would have had an adverse impact on approximately 166,000 children in California who are receiving a quality education at home; and

Whereas on March 25, 2008, the Court of Appeal granted a motion for rehearing in the In re Rachel L. case, with respect to the decision that required parents to hold a teaching credential in order to legally homeschool their children; Now, therefore, be it

Resolved, That the Senate—

(1) commends the Court of Appeal for the Second Appellate District of California, in Los Angeles, California, for allowing a rehearing in the case of In re Rachel L., 73 Cal. Rptr. 3d 77 (Cal. Ct. App. 2008); and

(2) calls upon the court to uphold the Supreme Court's opinion that parents have a fundamental and constitutional right to direct the upbringing and education of their children.

SENATE RESOLUTION 573—RECOGNIZING CUBA SOLIDARITY DAY AND THE STRUGGLE OF THE CUBAN PEOPLE AS THEY CONTINUE TO FIGHT FOR FREEDOM

Mr. MARTINEZ (for himself, Mr. MENENDEZ, Mr. ENSIGN, Mr. NELSON of Florida, Mr. COLEMAN, and Mr. LIEBERMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 573

Whereas the Cuban regime continues to deny the basic human rights of its citizens;

Whereas the Cuban people are denied freedom of the press, freedom of speech, and freedom to peaceful assembly;

Whereas the Cuban regime refuses to hold free and fair elections in order to elect a democratic government that represents the will of the people;

Whereas Freedom House recently rated Cuba as 1 of the 8 most oppressive regimes in the world;

Whereas the Cuban regime is currently holding more than 220 political prisoners according to Amnesty International, Human Rights Watch, and Reporters Without Borders;

Whereas these prisoners are illegally held in prison contrary to the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which Cuba has signed and recognizes;

Whereas 55 of the 75 political activists imprisoned in the March 2003 crackdown (known as ''Black Spring'') including independent journalists and union members, remain in prison;

Whereas the wives of these prisoners, known as the Ladies in White, continue to be assaulted for simply seeking information regarding the March 2003 arrests, most recently on April 21, 2008, when the Ladies in White were violently dragged from a peaceful sit-in by Cuban officials;

Whereas prisoners face inhuman and unsafe prison conditions, including the denial of medical treatment; and

Whereas on May 21, 2008 communities around the world will celebrate Cuba Solidarity Day, a day for the world to join together in the fight against oppression in Cuba: Now therefore, be it

Resolved, That the Senate—

(1) celebrates Cuba Solidarity Day;

(2) recognizes the injustices faced by the people of Cuba under the current regime; and

(3) stands in solidarity with the Cuban people as they continue to work towards democratic change in their homeland.

SENATE CONCURRENT RESOLUTION 83—SUPPORTING THE GOALS AND IDEALS OF NATIONAL BETTER HEARING AND SPEECH MONTH

Mr. REID (for Mrs. CLINTON (for herself and Mrs. MURRAY)) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 83

Whereas the National Institute on Deafness and Other Communication Disorders reports that approximately 42,000,000 people in the United States suffer from a speech, voice, language, or hearing impairment;

Whereas approximately 32,500,000, or 15 percent, of adults in the United States report some degree of hearing loss;

Whereas 1 out of every 3 people in the United States over 60 years of age has a hearing problem;

Whereas 1 in 6, or 15 percent, of people in the baby boom generation, between the ages of 41 and 59, has a hearing problem;

Whereas 1 in 14, or 7 percent, of people in the United States between the ages of 29 and 40 already has hearing loss;

Whereas at least 1,400,000 children in the United States have hearing problems;

Whereas traumatic brain injury is an increasing problem among members of the Armed Forces returning from the wars in Iraq and Afghanistan;

Whereas patients with traumatic brain injury may have problems with spoken language, called dysarthria, if the part of the brain that controls speech muscles is damaged, resulting in speech that is often slowed, slurred, and garbled;

Whereas members of the Armed Forces sent to battle zones are more than 50 times more likely to suffer noise-induced hearing loss than members of the Armed Forces who do not deploy;

Whereas, although more than 32,500,000 adults in the United States could benefit from the use of hearing aids, only 1 in 5 people who could benefit from a hearing aid actually wears one;

Whereas, of children between the ages of 6 and 19 years old, approximately 5,200,000, or 12.5 percent, are estimated to have noise-induced hearing loss in one or both ears, often as a result of increased environmental noise;

Whereas hearing loss is the most common congenital disorder in newborns;

Whereas a delay in diagnosing a hearing loss when a child is born can affect the child's social, emotional, and academic development;

Whereas, during the 2003 school year, more than 1,500,000 children had speech, language, or hearing impairments and received services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

Whereas children with language impairments are 4 to 5 times more likely than their peers to experience reading problems;

Whereas 10 percent of children entering the first grade have moderate to severe speech disorders, including stuttering;

Whereas more than 3,000,000 people in the United States of all ages stutter;

Whereas approximately 1,000,000 people in the United States have aphasia, a language disorder inhibiting spoken communication that results from damage caused by a stroke or other traumatic injury to the language centers of the brain; and

Whereas, since 1927, May has been celebrated as National Better Hearing and Speech Month in order to raise awareness regarding speech, voice, language, and hearing impairments and to provide an opportunity for Federal, State, and local governments, members of the private and nonprofit sectors, speech and hearing professionals, and the people of the United States to focus on preventing, mitigating, and curing such impairments: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) supports the goals and ideals of National Better Hearing and Speech Month;

(2) urges increased coordination of community-based, comprehensive care for members of the Armed Forces, veterans, athletes, and accident victims who have experienced hearing and speech deficiencies as a result of traumatic brain injury;

(3) supports the efforts of speech and hearing professionals to improve the speech and hearing development of children;

(4) encourages the people of the United States to have their hearing checked regularly and to avoid environmental noise that can lead to hearing loss; and

(5) commends the 46 States that have implemented routine hearing screenings for every newborn before the newborn leaves the hospital.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4805. Mr. CORKER submitted an amendment intended to be proposed by him to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table.

SA 4806. Mr. CORKER (for himself, Mr. BINGAMAN, Mr. HARKIN, Mr. MENENDEZ, Mr. MARTINEZ, Mr. NELSON of Florida, and Mr. DODD) submitted an amendment intended to be proposed by him to the bill H.R. 2642, supra; which was ordered to lie on the table.

SA 4807. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2642, supra; which was ordered to lie on the table.

SA 4808. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill H.R. 2642, supra; which was ordered to lie on the table.

SA 4809. Mr. FEINGOLD (for himself, Mr. LEAHY, Mr. WHITEHOUSE, Mr. DURBIN, Mr. SANDERS, Mr. LAUTENBERG, Mrs. BOXER, Mr. HARKIN, Mr. MENENDEZ, and Mr. REID) submitted an amendment intended to be proposed by him to the bill H.R. 2642, supra; which was ordered to lie on the table.

SA 4810. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 2642, supra; which was ordered to lie on the table.

SA 4811. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 2642, supra; which was ordered to lie on the table.

SA 4812. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2642, supra; which was ordered to lie on the table.

SA 4813. Mr. CASEY (for himself, Ms. SNOWE, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 2642, supra; which was ordered to lie on the table.

SA 4814. Mr. BROWNBACK (for himself, Mr. ENSIGN, and Mr. ROBERTS) submitted an amendment intended to be proposed to amendment SA 4803 proposed by Mr. REID to the bill H.R. 2642, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS—MAY 20, 2008

SA 4789. Mr. REID proposed an amendment to House amendment numbered 2 to the Senate amendment to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

In lieu of the language proposed to be inserted, insert the following:

TITLE I

OTHER SECURITY, MILITARY CONSTRUCTION, AND INTERNATIONAL MATTERS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

For an additional amount for ''Public Law 480 Title II Grants'', $850,000,000, to remain available until expended.

For an additional amount for ''Public Law 480 Title II Grants'', $395,000,000, to become available on October 1, 2008, and to remain available until expended.

CHAPTER 2

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

OFFICE OF INSPECTOR GENERAL

For an additional amount for the Office of the Inspector General, $4,000,000, to remain available until September 30, 2009.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for ''Salaries and Expenses, General Legal Activities'', $1,648,000, to remain available until September 30, 2009.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for ''Salaries and Expenses, United States Attorneys'', $5,000,000, to remain available until September 30, 2009.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $18,621,000, to remain available until September 30, 2009.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $164,965,000, to remain available until September 30, 2009.

For an additional amount for ''Salaries and Expenses'', $82,600,000 to become available on October 1, 2008 and to remain available until September 30, 2009.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $22,666,000, to remain available until September 30, 2009.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $4,000,000, to remain available until September 30, 2009.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $9,100,000, to remain available until September 30, 2009.

CHAPTER 3

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

For an additional amount for ''Military Construction, Army'', $1,170,200,000: *Provided,* That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further,* That of the funds made available under this heading, $1,033,000,000 shall remain available until September 30, 2009, and $137,200,000 shall remain available until September 30, 2012: *Provided further,* That funds made available under this heading for military construction

projects in Iraq shall not be obligated or expended until the Secretary of Defense certifies to the Committees on Appropriations of both Houses of Congress that none of the funds are to be used for the purpose of providing facilities for the permanent basing of U.S. military personnel in Iraq.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for ''Military Construction, Navy and Marine Corps'', $300,084,000: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds made available under this heading, $270,785,000 shall remain available until September 30, 2009, and $29,299,000 shall remain available until September 30, 2012.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for ''Military Construction, Air Force'', $361,900,000: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds made available under this heading, $324,300,000 shall remain available until September 30, 2009, and $37,600,000 shall remain available until September 30, 2012: *Provided further*, That funds made available under this heading for military construction projects in Iraq shall not be obligated or expended until the Secretary of Defense certifies to the Committees on Appropriations of both Houses of Congress that none of the funds are to be used for the purpose of providing facilities for the permanent basing of U.S. military personnel in Iraq.

MILITARY CONSTRUCTION, DEFENSE-WIDE

For an additional amount for ''Military Construction, Defense-Wide'', $27,600,000, to remain available until September 30, 2009: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for ''Family Housing Construction, Navy and Marine Corps'', $11,766,000, to remain available until September 30, 2012: *Provided*, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $1,202,886,000, to remain available until expended.

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For an additional amount for ''General Operating Expenses'', $100,000,000, to remain available until expended.

INFORMATION TECHNOLOGY SYSTEMS

For an additional amount for ''Information Technology Systems'', $20,000,000, to remain available until expended.

CONSTRUCTION, MAJOR PROJECTS

For an additional amount for ''Construction, Major Projects'', $437,100,000, to remain available until expended, which shall be for acceleration and completion of planned major construction of Level I polytrauma rehabilitation centers as identified in the Department of Veterans Affairs' Five Year Capital Plan: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and major medical facility construction not otherwise authorized by law: *Provided further*, That within 30 days of enactment of this Act the Secretary shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this heading.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1301. In addition to amounts otherwise appropriated or made available under the heading ''Military Construction, Army'', there is hereby appropriated an additional $70,600,000, to remain available until September 30, 2012, for the acceleration and completion of child development center construction as proposed in the fiscal year 2009 budget request for the Department of the Army: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction not otherwise authorized by law.

SEC. 1302. In addition to amounts otherwise appropriated or made available under the heading ''Military Construction, Navy and Marine Corps'', there is hereby appropriated an additional $89,820,000, to remain available until September 30, 2012, for the acceleration and completion of child development and youth center construction as proposed in the fiscal year 2009 budget request for the Department of the Navy: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction not otherwise authorized by law.

SEC. 1303. In addition to amounts otherwise appropriated or made available under the heading ''Military Construction, Air Force'', there is hereby appropriated an additional $8,100,000, to remain available until September 30, 2012, for the acceleration and completion of child development center construction as proposed in the fiscal year 2009 budget request for the Department of the Air Force: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction not otherwise authorized by law.

SEC. 1304. In addition to amounts otherwise appropriated or made available under the heading ''Military Construction, Army'', there is hereby appropriated an additional $200,000,000, to remain available until September 30, 2012, to accelerate barracks improvements at Department of the Army installations: *Provided*, That such funds may be obligated and expended to carry out planning and design and barracks construction not otherwise authorized by law: *Provided further*, That within 30 days of enactment of this Act the Secretary shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for barracks construction prior to obligation.

SEC. 1305. COLLECTION OF CERTAIN INDEBTEDNESS OF MEMBERS OF THE ARMED FORCES AND VETERANS WHO DIE OF INJURY INCURRED OR AGGRAVATED IN SERVICE IN THE LINE OF DUTY IN A COMBAT ZONE. (a) LIMITATION ON AUTHORITY.—

(1) IN GENERAL.—Chapter 53 of title 38, United States Code, is amended by inserting after section 5302 the following new section:

''§ 5302A. Collection of indebtedness: certain debts of members of the Armed Forces and veterans who die of injury incurred or aggravated in the line of duty in a combat zone

''(a) LIMITATION ON AUTHORITY.—The Secretary may not collect all or any part of an amount owed to the United States by a member of the Armed Forces or veteran described in subsection (b) under any program under the laws administered by the Secretary, other than a program referred to in subsection (c), if the Secretary determines that termination of collection is in the best interest of the United States.

''(b) COVERED INDIVIDUALS.—A member of the Armed Forces or veteran described in this subsection is any member or veteran who dies as a result of an injury incurred or aggravated in the line of duty while serving in a theater of combat operations (as determined by the Secretary in consultation with the Secretary of Defense) in a war or in combat against a hostile force during a period of hostilities (as that term is defined in section 1712A(a)(2)(B) of this title) after September 11, 2001.

''(c) INAPPLICABILITY TO HOUSING AND SMALL BUSINESS BENEFIT PROGRAMS.—The limitation on authority in subsection (a) shall not apply to any amounts owed the United States under any program carried out under chapter 37 of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 53 of such title is amended by inserting after the item relating to section 5302 the following new item:

''5302A. Collection of indebtedness: certain debts of members of the Armed Forces and veterans who die of injury incurred or aggravated in the line of duty in a combat zone.''.

(b) EQUITABLE REFUND.—In any case where all or any part of an indebtedness of a covered individual, as described in section 5302A(a) of title 38, United States Code, as added by subsection (a)(1), was collected after September 11, 2001, and before the date of the enactment of this Act, and the Secretary of Veterans Affairs determines that such indebtedness would have been terminated had such section been in effect at such time, the Secretary may refund the amount so collected if the Secretary determines that the individual is equitably entitled to such refund.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to collections of indebtedness of members of the Armed Forces and veterans who die on or after September 11, 2001.

(d) SHORT TITLE.—This section may be cited as the ''Combat Veterans Debt Elimination Act of 2008''.

CHAPTER 4

SUBCHAPTER A—SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for ''Diplomatic and Consular Programs'', $1,413,700,000, to remain available until September 30, 2009, of which $212,400,000 for worldwide security protection is available until expended: *Provided*, That not more than $1,095,000,000 of the funds appropriated under this heading shall be available for diplomatic operations in Iraq: *Provided further*, That of the funds appropriated under this heading, not more than $30,000,000 shall be made available to establish and implement a coordinated civilian response capacity at the United States Department of State: *Provided further*, That of the funds appropriated under this heading, up to $5,000,000 shall be made available to establish a United States Consulate in Lhasa, Tibet: *Provided further*, That the Department of State shall not consent to the opening of a consular post in the United States by the People's Republic of China until such time as a United States Consulate in Lhasa, Tibet is established.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Office of Inspector General'', $12,500,000, to remain available until September 30, 2009: *Provided*, That $2,500,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight, and up to $5,000,000 may be transferred to the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For an additional amount for ''Educational and Cultural Exchange Programs'', $10,000,000, to remain available until September 30, 2009, of which $5,000,000 shall be for programs and activities in Africa, and $5,000,000 shall be for programs and activities in the Western Hemisphere.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for ''Embassy Security, Construction, and Maintenance'', $76,700,000, to remain available until expended, for facilities in Afghanistan.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for ''Contributions to International Organizations'', $66,000,000, to remain available until September 30, 2009.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for ''Contributions for International Peacekeeping Activities'', $383,600,000, to remain available until September 30, 2009, of which $333,600,000 shall be made available for the United Nations-African Union Hybrid Mission in Darfur.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for ''International Broadcasting Operations'', $3,000,000, to remain available until September 30, 2009.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for ''International Disaster Assistance'', $240,000,000, to remain available until expended.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for ''Operating Expenses of the United States Agency for International Development'', $149,500,000, to remain available until September 30, 2009: *Provided*, That of the funds appropriated under this heading, not more than $25,000,000 shall be made available to establish and implement a coordinated civilian response capacity at the United States Agency for International Development.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Operating Expenses of the United States Agency for International Development Office of Inspector General'', $4,000,000, to remain available until September 30, 2009.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for ''Economic Support Fund'', $1,962,500,000, to remain available until September 30, 2009, of which not more than $398,000,000 may be made available for assistance for Iraq, $150,000,000 shall be made available for assistance for Jordan to meet the needs of Iraqi refugees, and up to $53,000,000 may be made available for energy-related assistance for North Korea, notwithstanding any other provision of law: *Provided*, That not more than $200,000,000 of the funds appropriated under this heading in this subchapter shall be made available for assistance for the West Bank: *Provided further*, That funds made available pursuant to the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the funds made available under this heading for energy-related assistance for North Korea may be made available to support the goals of the Six Party Talks Agreements after the Secretary of State determines and reports to the Committees on Appropriations that North Korea is continuing to fulfill its commitments under such agreements.

DEPARTMENT OF STATE

DEMOCRACY FUND

For an additional amount for ''Democracy Fund'', $76,000,000, to remain available until September 30, 2009, of which $75,000,000 shall be for democracy programs in Iraq and $1,000,000 shall be for democracy programs in Chad.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for ''International Narcotics Control and Law Enforcement'', $520,000,000, to remain available until September 30, 2009, of which not more than $25,000,000 shall be made available for security assistance for the West Bank: *Provided*, That of the funds appropriated under this heading, $1,000,000 shall be made available for the Office of the United Nations High Commissioner for Human Rights in Mexico.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for ''Migration and Refugee Assistance'', $330,500,000, to remain available until expended.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For an additional amount for ''United States Emergency Refugee and Migration Assistance Fund'', $36,608,000, to remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'', $10,000,000, to remain available until September 30, 2009.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

PEACEKEEPING OPERATIONS

For an additional amount for ''Peacekeeping Operations'', $10,000,000, to remain available until September 30, 2009.

SUBCHAPTER B—BRIDGE FUND APPROPRIATIONS FOR FISCAL YEAR 2009

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for ''Diplomatic and Consular Programs'', $652,400,000, which shall become available on October 1, 2008 and remain available through September 30, 2009: *Provided*, That of the funds appropriated under this heading, $78,400,000 is for worldwide security protection and shall remain available until expended: *Provided further*, That not more than $500,000,000 of the funds appropriated under this heading shall be available for diplomatic operations in Iraq.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Office of Inspector General'', $57,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009: *Provided*, That $36,500,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight and up to $5,000,000 shall be transferred to the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for ''Embassy Security, Construction, and Maintenance'', $41,300,000, which shall become available on October 1, 2008 and remain available until expended, for facilities in Afghanistan.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for ''Contributions to International Organizations'', $75,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for ''Contributions for International Peacekeeping Activities'', $150,500,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for ''International Broadcasting Operations'', $6,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

GLOBAL HEALTH AND CHILD SURVIVAL

For an additional amount for ''Global Health and Child Survival'', $75,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, for programs to combat avian influenza.

DEVELOPMENT ASSISTANCE

For an additional amount for ''Development Assistance'', $200,000,000, for assistance for developing countries to address the international food crisis notwithstanding any other provision of law, which shall become available on October 1, 2008 and remain available through September 30, 2010: *Provided*, That such assistance should be carried out consistent with the purposes of section 103(a)(1) of the Foreign Assistance Act of 1961: *Provided further*, That not more than $50,000,000 should be made available for local or regional purchase and distribution of food: *Provided further*, That the Secretary of State shall submit to the Committees on Appropriations not later than 45 days after enactment of this Act, and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of such funds to alleviate hunger and malnutrition, including a list of those countries facing significant food shortages.

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for ''International Disaster Assistance'', $200,000,000, which shall become available on October 1, 2008 and remain available until expended.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for ''Operating Expenses of the United States Agency for International Development'', $93,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Operating Expenses of the United States Agency for International Development Office of Inspector General'', $1,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for ''Economic Support Fund'', $1,132,300,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, of which not more than $110,000,000 may be made available for assistance for Iraq, $100,000,000 shall be made available for assistance for Jordan, not more than $455,000,000 may be made available for assistance for Afghanistan, not more than $150,000,000 may be made available for assistance for Pakistan, not more than $150,000,000 shall be made available for assistance for the West Bank, and $15,000,000 may be made available for energy-related assistance for North Korea, notwithstanding any other provision of law.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for ''International Narcotics Control and Law Enforcement'', $151,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, of which not more than $50,000,000 shall be made available for security assistance for the West Bank.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for ''Migration and Refugee Assistance'', $350,000,000, which shall become available on October 1, 2008 and remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'', $4,500,000, for humanitarian demining assistance for Iraq, which shall become available on October 1, 2008 and remain available through September 30, 2009.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for ''Foreign Military Financing Program'', $145,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, of which $100,000,000 shall be made available for assistance for Jordan: *Provided,* That section 3802(c) of title III, chapter 8 of Public of Law 110–28 shall apply to funds made available under this heading for assistance for Lebanon.

PEACEKEEPING OPERATIONS

For an additional amount for ''Peacekeeping Operations'', $85,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

SUBCHAPTER C—GENERAL PROVISIONS—THIS CHAPTER

EXTENSION OF AUTHORITIES

SEC. 1401. Funds appropriated by this chapter may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Year 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

IRAQ

SEC. 1402. (a) ASSET TRANSFER AGREEMENT.—

(1) None of the funds appropriated by this chapter for infrastructure maintenance activities in Iraq may be made available until the Secretary of State certifies and reports to the Committees on Appropriations that the Governments of the United States and Iraq have entered into, and are implementing, an asset transfer agreement that includes commitments by the Government of Iraq to maintain United States-funded infrastructure in Iraq.

(2) None of the funds appropriated by this chapter may be made available for the construction of prison facilities in Iraq.

(b) ANTI-CORRUPTION.—None of the funds appropriated by this chapter for rule of law programs in Iraq may be made available for assistance for the Government of Iraq until the Secretary of State certifies and reports to the Committees on Appropriations that a comprehensive anti-corruption strategy has been developed, and is being implemented, by the Government of Iraq, and the Secretary of State submits a list, in classified form if necessary, to the Committees on Appropriations of senior Iraqi officials who the Secretary has credible evidence to believe have committed corrupt acts.

(c) PROVINCIAL RECONSTRUCTION TEAMS.—None of the funds appropriated by this chapter for the operational or program expenses of Provincial Reconstruction Teams (PRTs) in Iraq may be made available until the Secretary of State submits a report to the Committees on Appropriations detailing—

(1) the strategy for the eventual winding down and close out of PRTs;

(2) anticipated costs associated with PRT operations, programs, and eventual winding down and close out, including security for PRT personnel and anticipated Government of Iraq contributions; and

(3) anticipated placement and cost estimates of future United States Consulates in Iraq.

(d) COMMUNITY STABILIZATION PROGRAM.—None of the funds appropriated by this chapter for the Community Stabilization Program in Iraq may be made available until the Secretary of State certifies and reports to the Committees on Appropriations that the United States Agency for International Development is implementing recommendations contained in Office of Inspector General Audit Report No. E–267–08–001–P to ensure accountability of funds.

(e) MATCHING REQUIREMENT.—

(1) Notwithstanding any other provision of law, funds appropriated by this chapter for assistance for Iraq shall be made available only to the extent that the Government of Iraq matches such assistance on a dollar-for-dollar basis.

(2) Subsection (e)(1) shall not apply to funds made available for—

(A) grants and cooperative agreements for programs to promote democracy and human rights;

(B) the Community Action Program and other assistance through civil society organizations;

(C) humanitarian demining; or

(D) assistance for refugees, internally displaced persons, and civilian victims of the military operations.

(3) The Secretary of State shall certify to the Committees on Appropriations prior to the initial obligation of funds pursuant to this section that the Government of Iraq has committed to obligate matching funds on a dollar-for-dollar basis. The Secretary shall submit a report to the Committees on Appropriations not later than September 30, 2008 and 180 days thereafter, detailing the amounts of funds obligated and expended by the Government of Iraq to meet the requirements of this section.

(4) Not later than 45 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing the amounts provided by the Government of Iraq since June 30, 2004, to assist Iraqi refugees in Syria, Jordan, and elsewhere, and the amount of such assistance the Government of Iraq plans to provide in fiscal year 2008. The Secretary shall work expeditiously with the Government of Iraq to establish an account within its annual budget sufficient to, at a minimum, match United States contributions on a dollar-for-dollar basis to organizations and programs for the purpose of assisting Iraqi refugees.

(f) VETTING.—Prior to the initial obligation of funds appropriated for assistance for Iraq in this chapter, the Secretary of State shall, in consultation with the heads of other Federal departments and agencies, take appropriate steps to ensure that such funds are not provided to or through any individual, private entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, or engages in, terrorist activities.

(g) IRAQ RELIEF AND RECONSTRUCTION FUND.—

(1) Notwithstanding any other provision of law, the expired balances of funds appropriated or otherwise made available under the heading ''Iraq Relief and Reconstruction Fund'' in prior Acts making appropriations for foreign operations, export financing, and related programs shall be rescinded.

(2) None of the funds made available under the heading ''Iraq Relief and Reconstruction Fund'' in prior Acts making appropriations for foreign operations, export financing, and related programs may be reprogrammed for any purpose other than that previously notified to the Committees on Appropriations prior to April 30, 2008, and none of such funds may be made available to initiate any new projects or activities.

(3) Not later than 30 days after enactment of this Act, the Secretary of State shall report to the Committees on Appropriations on the balances of obligated funds referenced in subsection (g)(1), and estimates of the amount of funds required to close out ongoing projects or for outstanding claims.

AFGHANISTAN

SEC. 1403. (a) ASSISTANCE FOR WOMEN AND GIRLS.—Funds appropriated by this chapter under the heading ''Economic Support Fund'' that are available for assistance for Afghanistan shall be made available, to the maximum extent practicable, through local Afghan provincial and municipal governments and Afghan civil society organizations and in a manner that emphasizes the participation of Afghan women and directly improves the economic, social and political status of Afghan women and girls.

(b) HIGHER EDUCATION.—Of the funds appropriated by this chapter under the heading ''Economic Support Fund'' that are made available for education programs in Afghanistan, not less than 50 percent shall be made available to support higher education and vocational training programs in law, accounting, engineering, public administration, and other disciplines necessary to rebuild the country, in which the participation of women is emphasized.

(c) CIVILIAN ASSISTANCE.—Of the funds appropriated by this chapter under the heading ''Economic Support Fund'' that are available for assistance for Afghanistan, not less than $10,000,000 shall be made available for continued support of the United States Agency for International Development's Afghan Civilian Assistance Program, and not less than

$2,000,000 shall be made available for a United States contribution to the North Atlantic Treaty Organization/International Security Assistance Force Post-Operations Humanitarian Relief Fund.

(d) ANTI-CORRUPTION.—Not later than 90 days after the enactment of this Act, the Secretary of State shall—

(1) submit a report to the Committees on Appropriations on actions being taken by the Government of Afghanistan to combat corruption within the national and provincial governments, including to remove and prosecute officials who have committed corrupt acts;

(2) submit a list to the Committees on Appropriations, in classified form if necessary, of senior Afghan officials who the Secretary has credible evidence to believe have committed corrupt acts; and

(3) certify and report to the Committees on Appropriations that effective mechanisms are in place to ensure that assistance to national government ministries and provincial governments will be properly accounted for.

WAIVER OF CERTAIN SANCTIONS AGAINST NORTH KOREA

SEC. 1404. (a) ANNUAL WAIVER AUTHORITY.—

(1) IN GENERAL.—Except as provided in subsection (b), the President may waive in whole or in part, with respect to North Korea, the application of any sanction under section 102(b) of the Arms Export Control Act (22 U.S.C. 2799aa–1(b)), for the purpose of—

(A) assisting in the implementation and verification of the compliance by North Korea with its commitment, undertaken in the Joint Statement of September 19, 2005, to abandon all nuclear weapons and existing nuclear programs as part of the verifiable denuclearization of the Korean Peninsula; and

(B) promoting the elimination of the capability of North Korea to develop, deploy, transfer, or maintain weapons of mass destruction and their delivery systems.

(2) DURATION OF WAIVER.—Any waiver issued under this subsection shall expire at the end of the calendar year in which it is issued.

(b) EXCEPTIONS.—

(1) LIMITED EXCEPTION RELATED TO CERTAIN SANCTIONS AND PROHIBITIONS.—The authority under subsection (a) shall not apply with respect to a sanction or prohibition under subparagraph (B), (C), or (G) of section 102(b)(2) of the Arms Export Control Act, unless the President determines and certifies to the appropriate congressional committees that—

(A) all reasonable steps will be taken to assure that the articles or services exported or otherwise provided will not be used to improve the military capabilities of the armed forces of North Korea; and

(B) such waiver is in the national security interests of the United States.

(2) LIMITED EXCEPTION RELATED TO CERTAIN ACTIVITIES.—Unless the President determines and certifies to the appropriate congressional committees that using the authority under subsection (a) is vital to the national security interests of the United States, such authority shall not apply with respect to—

(A) an activity described in subparagraph (A) of section 102(b)(1) of the Arms Export Control Act that occurs after September 19, 2005, and before the date of the enactment of this Act;

(B) an activity described in subparagraph (C) of such section that occurs after September 19, 2005; or

(C) an activity described in subparagraph (D) of such section that occurs after the date of enactment of this Act.

(3) EXCEPTION RELATED TO CERTAIN ACTIVITIES OCCURRING AFTER DATE OF ENACTMENT.—The authority under subsection (a) shall not apply with respect to an activity described in subparagraph (A) or (B) of section 102(b)(1) of the Arms Export Control Act that occurs after the date of the enactment of this Act.

(c) NOTIFICATIONS AND REPORTS.—

(1) CONGRESSIONAL NOTIFICATION.—The President shall notify the appropriate congressional committees in writing not later than 15 days before exercising the waiver authority under subsection (a).

(2) ANNUAL REPORT.—Not later than January 31, 2009, and annually thereafter, the President shall submit to the appropriate congressional committees a report that—

(A) lists all waivers issued under subsection (a) during the preceding year;

(B) describes in detail the progress that is being made in the implementation of the commitment undertaken by North Korea, in the Joint Statement of September 19, 2005, to abandon all nuclear weapons and existing nuclear programs as part of the verifiable denuclearization of the Korean Peninsula;

(C) discusses specifically any shortcomings in the implementation by North Korea of that commitment; and

(D) lists and describes the progress and shortcomings, in the preceding year, of all other programs promoting the elimination of the capability of North Korea to develop, deploy, transfer, or maintain weapons of mass destruction or their delivery systems.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

(2) the Committees on Appropriations, Armed Services, and Foreign Affairs of the House of Representatives.

MEXICO

SEC. 1405. (a) ASSISTANCE FOR MEXICO.—Of the funds appropriated in subchapter A under the heading ''International Narcotics Control and Law Enforcement'', not more than $350,000,000 may be made available for assistance for Mexico, only to combat drug trafficking and related violence and organized crime, and for judicial reform, anti-corruption, and rule of law activities: *Provided*, That none of the funds made available under this section shall be made available for budget support or as cash payments: *Provided further*, That none of the funds made available under this section shall be available for obligation until the Secretary of State determines and reports to the Committees on Appropriations that vetting procedures are in place to ensure that members and units of the Mexican military and police forces that receive assistance pursuant to this section have not been involved in human rights violations or corrupt acts.

(b) ALLOCATION OF FUNDS.—Twenty-five percent of the funds made available by subchapter A for assistance for Mexico under the heading ''International Narcotics Control and Law Enforcement'' may be obligated only after the Secretary of State determines and reports to the Committees on Appropriations that:

(1) The Government of Mexico is—

(A) strengthening the legal authority and independence of the National Human Rights Commission;

(B) establishing police complaints commissions with authority and independence to receive complaints and carry out effective investigations;

(C) establishing an independent mechanism, with representation from civil society, to monitor programs to combat drug trafficking and related violence and organized crime, judicial reform, anti-corruption, and rule of law activities to ensure due process and the protection of freedoms of expression, association, and assembly, and rights of privacy, in accordance with Mexican and international law;

(D) is enforcing the prohibition on the use of testimony obtained through torture or other ill-treatment in violation of Mexican and international law;

(E) is ensuring that the Mexican military justice system is transferring all cases involving allegations of human rights violations by military personnel to civilian prosecutors and judicial authorities, and that the armed forces are fully cooperating with civilian prosecutors and judicial authorities in prosecuting and punishing in civilian courts members of the armed forces who have been credibly alleged to have committed such violations; and

(F) is ensuring that federal and state police forces are fully cooperating with prosecutors and judicial authorities in prosecuting and punishing members of the police forces who have been credibly alleged to have committed violations of human rights.

(2) Civilian prosecutors and judicial authorities are investigating, prosecuting and punishing members of the Mexican military and police forces who have been credibly alleged to have committed human rights violations.

(c) EXCEPTION.—Notwithstanding subsection (b), of the funds made available for assistance for Mexico pursuant to this section, $3,000,000 shall be made available for technical and other assistance to enable the Government of Mexico to implement a unified national registry of federal, state, and municipal police officers, and $5,000,000 should be made available to the Bureau of Alcohol, Tobacco, Firearms and Explosives to deploy special agents in Mexico to support Mexican law enforcement agencies in tracing seized firearms and investigating firearms trafficking cases.

(d) REPORT.—The report required in subsection (b) shall include a description of actions taken with respect to each requirement specified in subsection (b) and the cases or issues brought to the attention of the Secretary of State for which the response or action taken has been inadequate.

(e) NOTIFICATION.—Funds made available for Mexico in subchapter A shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

(f) SPENDING PLAN.—Not later than 45 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a detailed spending plan for funds appropriated or otherwise made available for Mexico in subchapter A, which shall include a strategy for combating drug trafficking and related violence and organized crime, judicial reform, preventing corruption, and strengthening the rule of law, with concrete goals, actions to be taken, budget proposals, and anticipated results.

(g) CONSULTATION.—Not later than 90 days after the date of the enactment of this Act, and every 120 days thereafter until September 30, 2010, the Secretary of State shall consult with Mexican and internationally recognized human rights organizations on progress in meeting the requirements described in subsection (b).

CENTRAL AMERICA

SEC. 1406. (a) ASSISTANCE FOR THE COUNTRIES OF CENTRAL AMERICA.—Of the funds appropriated in subchapter A under the headings ''International Narcotics Control and Law Enforcement'' and ''Economic Support Fund'', not more than $100,000,000 may be

made available for assistance for the countries of Central America, Haiti, and the Dominican Republic only to combat drug trafficking and related violence and organized crime, and for judicial reform, anti-corruption, and rule of law activities: *Provided*, That of the funds appropriated under the heading ''Economic Support Fund'', $40,000,000 shall be made available through the United States Agency for International Development for an Economic and Social Development Fund for Central America: *Provided further*, That of the funds made available pursuant to this section, $5,000,000 shall be made available for assistance for Haiti and $5,000,000 shall be made available for assistance for the Dominican Republic: *Provided further*, That of the funds made available pursuant to this section that are available for assistance for Guatemala, not less than $1,000,000 shall be made available for a United States contribution to the International Commission Against Impunity in Guatemala: *Provided further*, That none of the funds shall be made available for budget support or as cash payments: *Provided further*, That, with the exception of the first and third provisos in this section, none of the funds shall be available for obligation until the Secretary of State determines and reports to the Committees on Appropriations that vetting procedures are in place to ensure that members and units of the military and police forces of the countries of Central America, Haiti and the Dominican Republic that receive assistance pursuant to this section have not been involved in human rights violations or corrupt acts.

(b) ALLOCATION OF FUNDS.—Twenty-five percent of the funds made available by subchapter A for assistance for the countries of Central America, Haiti and the Dominican Republic under the heading ''International Narcotics Control and Law Enforcement'' may be obligated only after the Secretary of State determines and reports to the Committees on Appropriations that the government of such country is—

(1) establishing a police complaints commission with authority and independence to receive complaints and carry out effective investigations;

(2) implementing reforms to improve the capacity and ensure the independence of the judiciary; and

(3) suspending, prosecuting and punishing members of the military and police forces who have been credibly alleged to have committed violations of human rights and corrupt acts.

(c) REPORT.—The report required in subsection (b) shall include actions taken with respect to each requirement and the cases or issues brought to the attention of the Secretary for which the response or action taken has been inadequate.

(d) NOTIFICATION.—Funds made available for assistance for the countries of Central America, Haiti and the Dominican Republic in subchapter A shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

(e) SPENDING PLAN.—Not later than 45 days after enactment of this Act the Secretary of State shall submit to the Committees on Appropriations a detailed spending plan for funds appropriated or otherwise made available for the countries of Central America, Haiti and the Dominican Republic in subchapter A, which shall include a strategy for combating drug trafficking and related violence and organized crime, judicial reform, preventing corruption, and strengthening the rule of law, with concrete goals, actions to be taken, budget proposals and anticipated results.

(f) CONSULTATION.—Not later than 90 days after the date of enactment of this Act and every 120 days thereafter until September 30, 2010, the Secretary of State shall consult with internationally recognized human rights organizations, and human rights organizations in the countries of Central America, Haiti and the Dominican Republic receiving assistance pursuant to this section, on progress in meeting the requirements described in subsection (b).

(g) DEFINITION.—For the purposes of this section, the term ''countries of Central America'' means Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama.

TECHNICAL PROVISIONS

SEC. 1407. (a) ADMINISTRATIVE EXPENSES.—Of the funds appropriated or otherwise made available under the heading ''Economic Support Fund'' by title III of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161), up to $7,800,000 may be made available, in addition to amounts otherwise available for such purposes, for administrative expenses of the United States Agency for International Development for alternative development programs in the Andean region of South America. These funds may be used to reimburse funds appropriated under the heading ''Operating Expenses of the United States Agency for International Development'' for obligations incurred for the purposes provided under this section prior to enactment of this Act.

(b) AUTHORITY.—Funds appropriated or otherwise made available by title III of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161) under the heading ''Economic Support Fund'' that are available for a competitively awarded grant for nuclear security initiatives relating to North Korea shall be made available notwithstanding any other provision of law.

(c) EXTENSION OF AUTHORITY.—Not more than $1,350,000 of the funds appropriated or otherwise made available under the heading ''Foreign Military Financing Program'' by the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161) that were previously transferred to and merged with ''Diplomatic and Consular Programs'' may be made available for any purposes authorized for that account, of which up to $500,000 shall be made available to increase the capacity of the United States Embassy in Mexico City to vet members and units of Mexican military and police forces that receive assistance made available by this Act and to monitor the uses of such assistance.

(d) REIMBURSEMENTS.—Any agreement for the transfer or allocation of funds appropriated by this Act, or prior Acts, entered into between the United States Agency for International Development and another agency of the United States Government under the authority of section 632(a) of the Foreign Assistance Act of 1961 or any comparable provision of law, shall include the provision of sufficient funds to fully reimburse the United States Agency for International Development for the administrative costs, including the cost of direct hire personnel, incurred in implementing and managing the programs and activities under such transfer or allocation. Such funds transferred or allocated to the United States Agency for International Development for administrative costs shall be transferred to and merged with ''Operating Expenses of the United States Agency for International Development''.

(e) EXCEPTION.—Section 10002 of title X of this Act shall not apply to this section.

(f) SPENDING AUTHORITY.—Funds made available by this chapter may be expended notwithstanding section 699K of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161).

BUYING POWER MAINTENANCE ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

SEC. 1408. (a) Of the funds appropriated under the heading ''Diplomatic and Consular Programs'' and allocated by section 3810 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28), $26,000,000 shall be transferred to and merged with funds in the ''Buying Power Maintenance Account'': *Provided*, That of the funds made available by this chapter up to an additional $74,000,000 may be transferred to and merged with the ''Buying Power Maintenance Account'', subject to the regular notification procedures of the Committees on Appropriations and in accordance with the procedures in section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706). Any funds transferred pursuant to this section shall be available, without fiscal year limitation, pursuant to section 24 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696).

(b) Section 24(b)(7) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(b)(7)) is amended by amending subparagraph (D) to read as follows:

''(D) The authorities contained in this paragraph may be exercised only with respect to funds appropriated or otherwise made available after fiscal year 2008.''.

SERBIA

SEC. 1409. (a) Of the funds made available for assistance for Serbia under the heading ''Assistance for Eastern Europe and the Baltic States'' by title III of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161), an amount equivalent to the costs of damage to the United States Embassy in Belgrade, Serbia, as estimated by the Secretary of State, resulting from the February 21, 2008 attack on such Embassy, shall be transferred to, and merged with, funds provided under the heading ''Embassy Security, Construction, and Maintenance'' to be used for necessary repairs or future construction.

(b) The requirements of subsection (a) shall not apply if the Secretary of State certifies to the Committees on Appropriations that the Government of Serbia has provided full compensation to the Department of State for damages to the United States Embassy in Belgrade, Serbia resulting from the February 21, 2008 attack on such Embassy.

(c) Section 10002 of title X of this Act shall not apply to this section.

RESCISSIONS

(INCLUDING RESCISSIONS)

SEC. 1410. (a) WORLD FOOD PROGRAM.—

(1) For an additional amount for a contribution to the World Food Program to assist farmers in countries affected by food shortages to increase crop yields, notwithstanding any other provision of law, $20,000,000, to remain available until expended.

(2) Of the funds appropriated under the heading ''Andean Counterdrug Initiative'' in prior acts making appropriations for foreign operations, export financing, and related programs, $20,000,000 are rescinded.

(b) SUDAN.—

(1) For an additional amount for ''International Narcotics Control and Law Enforcement'', $10,000,000, for assistance for Sudan to support formed police units, to remain available until September 30, 2009, and subject to prior consultation with the Committees on Appropriations.

(2) Of the funds appropriated under the heading ''International Narcotics Control and Law Enforcement'' in prior acts making appropriations for foreign operations, export financing, and related programs, $10,000,000 are rescinded.

(c) MEXICO.—Of the unobligated balances of funds appropriated for ''Iraq Relief and Reconstruction Fund'' in prior Acts making appropriations for foreign operations, export financing, and related programs, $50,000,000 are rescinded, notwithstanding section 1402(g) of this Act.

(d) HORN OF AFRICA.—

(1) For an additional amount for ''Economic Support Fund'', $40,000,000 for programs to promote development and counter extremism in the Horn of Africa, to be administered by the United States Agency for International Development, and to remain available until September 30, 2009.

(2) Of the unobligated balances of funds appropriated for ''Iraq Relief and Reconstruction Fund'' in prior Acts making appropriations for foreign operations, export financing, and related programs, $40,000,000 are rescinded, notwithstanding section 1402(g) of this Act.

(e) EXCEPTION.—Section 10002 of title X of this Act shall not apply to subsections (a) and (b) of this section.

DARFUR PEACEKEEPING

SEC. 1411. Funds appropriated under the headings ''Foreign Military Financing Program'' and ''Peacekeeping Operations'' by the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161) and by prior Acts making appropriations for foreign operations, export financing, and related programs may be used to transfer or lease helicopters necessary to the operations of the African Union/United Nations peacekeeping operation in Darfur, Sudan, that was established pursuant to United Nations Security Council Resolution 1769. The President may utilize the authority of sections 506 or 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2318, 2321j) or section 61 of the Arms Export Control Act (22 U.S.C. 2796) in order to effect such transfer or lease, notwithstanding any other provision of law except for sections 502B(a)(2), 620A and 620J of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(a)(2), 2371, 2378d) and section 40A of the Arms Export Control Act (22 U.S.C. 2780). Any exercise of the authority of section 506 of the Foreign Assistance Act pursuant to this section may include the authority to acquire helicopters by contract.

FOOD SECURITY AND CYCLONE NARGIS RELIEF

(INCLUDING RESCISSION OF FUNDS)

SEC. 1412. (a) For an additional amount for ''International Disaster Assistance'', $225,000,000, to address the international food crisis globally and for assistance for Burma to address the effects of Cyclone Nargis: *Provided*, That not less than $125,000,000 should be made available for the local or regional purchase and distribution of food to address the international food crisis: *Provided further*, That notwithstanding any other provision of law, none of the funds appropriated under this heading may be made available for assistance for the State Peace and Development Council.

(b) Of the unexpended balances of funds appropriated under the heading ''Millennium Challenge Corporation'' in prior Acts making appropriations for foreign operations, export financing and related programs, $225,000,000 are rescinded.

(c) Section 10002 of title X of this Act shall not apply to this section.

SOUTH AFRICA

SEC. 1413. The Secretary of State, after consultation with the Attorney General and the Secretary of Homeland Security, may determine, in the Secretary's sole and unreviewable discretion considering the foreign policy interests of the United States, that for activities undertaken in opposition to apartheid rule, subsections (a)(2) and (a)(3)(B) of 8 U.S.C. 1182, as amended, shall not apply.

JORDAN

(INCLUDING RESCISSION OF FUNDS)

SEC. 1414. (a) For an additional amount for ''Economic Support Fund'' for assistance for Jordan, $100,000,000, to remain available until September 30, 2009.

(b) For an additional amount for ''Foreign Military Financing Program'' for assistance for Jordan, $200,000,000, to remain available until September 30, 2009.

(c) Of the unexpended balances of funds appropriated under the heading ''Millennium Challenge Corporation'' in prior Acts making appropriations for foreign operations, export financing, and related programs, $300,000,000 are rescinded.

(d) Section 10002 of title X of this Act shall not apply to this section.

ALLOCATIONS

SEC. 1415. (a) Funds provided by this chapter for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the explanatory statement accompanying this Act:

''Diplomatic and Consular Programs''.

''Economic Support Fund''.

(b) Any proposed increases or decreases to the amounts contained in such tables in the statement accompanying this Act shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

REPROGRAMMING AUTHORITY

SEC. 1416. Notwithstanding any other provision of law, to include minimum funding requirements or funding directives, funds made available under the headings ''Development Assistance'' and ''Economic Support Fund'' in prior Acts making appropriations for foreign operations, export financing, and related programs may be made available to address critical food shortages, subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

SPENDING PLANS AND NOTIFICATION PROCEDURES

SEC. 1417. (a) SUBCHAPTER A SPENDING PLAN.—Not later than 45 days after the enactment of this Act the Secretary of State shall submit to the Committees on Appropriations a report detailing planned expenditures for funds appropriated under the headings in subchapter A, except for funds appropriated under the headings ''International Disaster Assistance'', ''Migration and Refugee Assistance'', and ''United States Emergency Refugee and Migration Assistance Fund''.

(b) SUBCHAPTER B SPENDING PLAN.—The Secretary of State shall submit to the Committees on Appropriations not later than November 1, 2008, and prior to the initial obligation of funds, a detailed spending plan for funds appropriated or otherwise made available in subchapter B, except for funds appropriated under the headings ''International Disaster Assistance'', ''Migration and Refugee Assistance'', and ''United States Emergency Refugee and Migration Assistance Fund''.

(c) NOTIFICATION.—Funds made available in this chapter shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

TERMS AND CONDITIONS

SEC. 1418. Unless otherwise provided for in this Act, funds appropriated, or otherwise made available, by this chapter shall be available under the authorities and conditions provided in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161).

TITLE II

DOMESTIC MATTERS

CHAPTER 1

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for salaries and expenses of the Food and Drug Administration, $265,000,000, to remain available until September 30, 2009: *Provided*, That of the amount provided: (1) $119,000,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $48,500,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs; (3) $23,500,000 shall be for the Center for Biologics Evaluation and Research and related field activities in the Office of Regulatory Affairs; (4) $10,700,000 shall be for the Center for Veterinary Medicine and related field activities in the Office of Regulatory Affairs; (5) $35,500,000 shall be for the Center for Devices and Radiological Health and related field activities in the Office of Regulatory Affairs; (6) $6,000,000 shall be for the National Center for Toxicological Research; and (7) $21,800,000 shall be for other activities, including the Office of the Commissioner, the Office of Scientific and Medical Programs; the Office of Policy, Planning and Preparedness; the Office of International and Special Programs; the Office of Operations; and central services for these offices.

BUILDINGS AND FACILITIES

For an additional amount for plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $10,000,000, to remain available until expended.

CHAPTER 2

DEPARTMENT OF COMMERCE

BUREAU OF THE CENSUS

PERIODIC CENSUSES AND PROGRAMS

For an additional amount for ''Periodic Censuses and Programs'', $210,000,000, to remain available until expended, for necessary expenses related to the 2010 Decennial Census: *Provided*, That not less than $3,000,000 shall be transferred to the ''Office of Inspector General'' at the Department of Commerce for necessary expenses associated with oversight activities of the 2010 Decennial Census: *Provided further*, That $1,000,000 shall be used only for a reimbursable agreement with the Defense Contract Management Agency to provide continuing contract management oversight of the 2010 Decennial Census.

DEPARTMENT OF JUSTICE

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $50,000,000, to remain available until September 30, 2009, for the United States Marshals Service to implement and enforce the Adam Walsh Child Protection and Safety Act (Public Law 109–248) to track down and arrest non-compliant sex offenders.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $178,000,000, to remain available until September 30, 2008.

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of Omnibus Crime Control and Safe Street Act of 1968 (''1968 Act''), (except that section 1001(c), and the special rules for Puerto Rico under section 505(g), of the 1968 Act, shall not apply for purposes of this Act), $490,000,000, to remain available until September 30, 2008.

For an additional amount for ''State and Local Law Enforcement Assistance'', $100,000,000 for competitive grants, to remain available until expended, to provide assistance and equipment to local law enforcement along the Southern border and in High-Intensity Drug Trafficking Areas to combat criminal narcotic activity stemming from the Southern border, of which $10,000,000 shall be for the ATF Project Gunrunner.

SCIENCE

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RETURN TO FLIGHT

For necessary expenses, not otherwise provided for, in carrying out return to flight activities associated with the space shuttle and activities from which funds were transferred to accommodate return to flight activities, $200,000,000, to remain available until September 30, 2009 with such sums as determined by the Administrator of the National Aeronautics and Space Administration as available for transfer to and ''Science, Aeronautics, Exploration'', and ''Exploration Capabilities'' for restoration of funds previously reallocated to meet return to flight activities.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For additional expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), $150,000,000, to remain available until September 30, 2009.

EDUCATION AND HUMAN RESOURCES

For additional expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), $50,000,000, to remain available until September 30, 2009.

GENERAL PROVISION—THIS CHAPTER

SEC. 2201. (a) Section 3008(a) of the Digital Television Transition and Public Safety Act of 2005 is amended—

(1) by inserting ''(1) IN GENERAL.—'' before ''The Assistant Secretary''; and

(2) by adding at the end thereof the following:

''(2) USE OF FUNDS.—As soon as practicable after the date of enactment of this Act, the Assistant Secretary shall make a determination, which the Assistant Secretary may adjust from time to time, with respect to whether the full amount provided under paragraph (1) will be needed for payments under that paragraph. If the Assistant Secretary determines that the full amount will not be needed for payments authorized by paragraph (1), the Assistant Secretary may use the remaining amount for consumer education and technical assistance regarding the digital television transition and the availability of the digital-to-analog converter box program (in addition to any amounts expended for such purpose under 3005(c)(2)(A) of this title), including partnering with, providing grants to, and contracting with non-profit organizations or public interest groups in achieving these efforts. If the Assistant Secretary initiates such an education program, the Assistant Secretary shall develop a plan to address the educational and technical assistance needs of vulnerable populations, such as senior citizens, individuals residing in rural and remote areas, and minorities, including, where appropriate, education plans focusing on the need for analog pass-through digital converter boxes in areas served by low power or translator stations, and shall consider the speed with which these objectives can be accomplished to the greatest public benefit.''.

(b) Section 3009(a) of the Deficit Reduction Act of 2005 (Public Law 109–171) is amended—

(1) by striking ''fiscal year 2009'' and inserting ''fiscal years 2009 through 2012''; and

(2) by striking ''no earlier than October 1, 2010'' and inserting ''on or after February 18, 2009''.

CHAPTER 3

DEPARTMENT OF ENERGY

NON-DEFENSE ENVIRONMENTAL CLEANUP

For an additional amount for ''Non-Defense Environmental Cleanup'', $5,000,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For an additional amount for ''Uranium Enrichment Decontamination and Decommissioning Fund'', $52,000,000, to remain available until expended.

SCIENCE

For an additional amount for ''Science'', $100,000,000, to remain available until expended.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For an additional amount for ''Defense Environmental Cleanup'', $243,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2301. (a) Subject to subsection (b), the Secretary of Energy shall continue the cooperative agreement numbered DE–FC 26–06NT42073, as in effect on the date of enactment of this Act, through March 30, 2009.

(b) During the period beginning on the date of enactment of this Act and ending on March 30, 2009—

(1) the agreement described in subsection (a) may not be terminated except by the mutual consent of the parties to the agreement; and

(2) funds may be expended under the agreement only to complete and provide information and documentation to the Department of Energy.

SEC. 2302. INCENTIVES FOR ADDITIONAL DOWNBLENDING OF HIGHLY ENRICHED URANIUM BY THE RUSSIAN FEDERATION. The USEC Privatization Act (42 U.S.C. 2297h et seq.) is amended—

(1) in section 3102, by striking ''For purposes'' and inserting ''Except as provided in section 3112A, for purposes'';

(2) in section 3112(a), by striking ''The Secretary'' and inserting ''Except as provided in section 3112A(d), the Secretary''; and

(3) by inserting after section 3112 the following:

''SEC. 3112A. INCENTIVES FOR ADDITIONAL DOWNBLENDING OF HIGHLY ENRICHED URANIUM BY THE RUSSIAN FEDERATION.

''(a) DEFINITIONS.—In this section:

''(1) COMPLETION OF THE RUSSIAN HEU AGREEMENT.—The term 'completion of the Russian HEU Agreement' means the importation into the United States from the Russian Federation pursuant to the Russian HEU Agreement of uranium derived from the downblending of not less than 500 metric tons of highly enriched uranium of weapons origin.

''(2) DOWNBLENDING.—The term 'downblending' means processing highly enriched uranium into a uranium product in any form in which the uranium contains less than 20 percent uranium-235.

''(3) HIGHLY ENRICHED URANIUM.—The term 'highly enriched uranium' has the meaning given that term in section 3102(4).

''(4) HIGHLY ENRICHED URANIUM OF WEAPONS ORIGIN.—The term 'highly enriched uranium of weapons origin' means highly enriched uranium that—

''(A) contains 90 percent or more uranium-235; and

''(B) is verified by the Secretary of Energy to be of weapons origin.

''(5) LOW-ENRICHED URANIUM.—The term 'low-enriched uranium' means a uranium product in any form, including uranium hexafluoride (UF_6) and uranium oxide (UO_2), in which the uranium contains less than 20 percent uranium-235, without regard to whether the uranium is incorporated into fuel rods or complete fuel assemblies.

''(6) RUSSIAN HEU AGREEMENT.—The term 'Russian HEU Agreement' has the meaning given that term in section 3102(11).

''(7) URANIUM-235.—The term 'uranium-235' means the isotope ^{235}U.

''(b) STATEMENT OF POLICY.—It is the policy of the United States to support the continued downblending of highly enriched uranium of weapons origin in the Russian Federation in order to protect the essential security interests of the United States with respect to the nonproliferation of nuclear weapons.

''(c) PROMOTION OF DOWNBLENDING OF RUSSIAN HIGHLY ENRICHED URANIUM.—

''(1) INCENTIVES FOR THE COMPLETION OF THE RUSSIAN HEU AGREEMENT.—Prior to the completion of the Russian HEU Agreement, the importation into the United States of low-enriched uranium, including low-enriched uranium obtained under contracts for separative work units, that is produced in the Russian Federation and is not imported pursuant to the Russian HEU Agreement may not exceed the following amounts:

''(A) In each of the calendar years 2008 and 2009, not more than 22,500 kilograms.

''(B) In each of the calendar years 2010 and 2011, not more than 45,000 kilograms.

''(C) In calendar year 2012 and each calendar year thereafter through the calendar year of the completion of the Russian HEU Agreement, not more than 67,500 kilograms.

''(2) INCENTIVES TO CONTINUE DOWNBLENDING RUSSIAN HIGHLY ENRICHED URANIUM AFTER THE COMPLETION OF THE RUSSIAN HEU AGREEMENT.—

''(A) IN GENERAL.—In each calendar year beginning after the calendar year of the completion of the Russian HEU Agreement and before the termination date described in paragraph (8), the importation into the United States of low-enriched uranium, including low-enriched uranium obtained under contracts for separative work units, that is produced in the Russian Federation, whether or not such low-enriched uranium is derived from highly enriched uranium of weapons origin, may not exceed 400,000 kilograms.

''(B) ADDITIONAL IMPORTS.—

''(i) IN GENERAL.—In addition to the amount authorized to be imported under subparagraph (A) and except as provided in clause (ii), 20 kilograms of low-enriched uranium, whether or not such low-enriched uranium is derived from highly enriched uranium of weapons origin, may be imported for

every 3 kilograms of Russian highly enriched uranium of weapons origin that was downblended in the preceding calendar year, subject to the verification of the Secretary of Energy under paragraph (10).

''(ii) MAXIMUM ANNUAL IMPORTS.—Not more than 200,000 kilograms of low-enriched uranium may be imported in a calendar year under clause (i).

''(3) EXCEPTION WITH RESPECT TO INITIAL CORES.—The import limitations described in paragraphs (1) and (2) shall not apply to low-enriched uranium produced in the Russian Federation that is imported into the United States for use in the initial core of a new nuclear reactor.

''(4) ANNUAL ADJUSTMENT.—

''(A) IN GENERAL.—Beginning in the second calendar year after the calendar year of the completion of the Russian HEU Agreement, the Secretary of Energy shall increase or decrease the amount of low-enriched uranium that may be imported in a calendar year under paragraph (2) (including the amount of low-enriched uranium that may be imported for each kilogram of highly enriched uranium downblended under paragraph (2)(B)(i)) by a percentage equal to the percentage increase or decrease, as the case may be, in the average amount of uranium loaded into nuclear power reactors in the United States in the most recent 3-calendar-year period for which data are available, as reported by the Energy Information Administration of the Department of Energy, compared to the average amount of uranium loaded into such reactors during the 3-calendar-year period beginning on January 1, 2011, as reported by the Energy Information Administration.

''(B) PUBLICATION OF ADJUSTMENTS.—As soon as practicable, but not later than July 31 of each calendar year, the Secretary of Energy shall publish in the Federal Register the amount of low-enriched uranium that may be imported in the current calendar year after the adjustment under subparagraph (A).

''(5) AUTHORITY FOR ADDITIONAL ADJUSTMENT.—In addition to the annual adjustment under paragraph (4), the Secretary of Commerce may adjust the import limitations under paragraph (2)(A) for a calendar year if the Secretary—

''(A) in consultation with the Secretary of Energy, determines that the available supply of low-enriched uranium from the Russian Federation and the available stockpiles of uranium of the Department of Energy are insufficient to meet demand in the United States in the following calendar year; and

''(B) notifies Congress of the adjustment not less than 45 days before making the adjustment.

''(6) EQUIVALENT QUANTITIES OF LOW-ENRICHED URANIUM IMPORTS.—

''(A) IN GENERAL.—The import limitations described in paragraphs (1) and (2) are expressed in terms of uranium containing 4.4 percent uranium-235 and a tails assay of 0.3 percent.

''(B) ADJUSTMENT FOR OTHER URANIUM.—Imports of low-enriched uranium under paragraphs (1) and (2) shall count against the import limitations described in such paragraphs in amounts calculated as the quantity of low-enriched uranium containing 4.4 percent uranium-235 necessary to equal the total amount of uranium-235 contained in such imports.

''(7) DOWNBLENDING OF OTHER HIGHLY ENRICHED URANIUM.—

''(A) IN GENERAL.—The downblending of highly enriched uranium not of weapons origin may be counted for purposes of paragraph (2)(B) or (8)(B), subject to verification under paragraph (10), if the Secretary of Energy determines that the highly enriched uranium to be downblended poses a risk to the national security of the United States.

''(B) EQUIVALENT QUANTITIES OF HIGHLY ENRICHED URANIUM.—For purposes of determining the additional low-enriched uranium imports allowed under paragraph (2)(B) and for purposes of paragraph (8)(B), highly enriched uranium not of weapons origin downblended pursuant to subparagraph (A) shall count as downblended highly enriched uranium of weapons origin in amounts calculated as the quantity of highly enriched uranium containing 90 percent uranium-235 necessary to equal the total amount of uranium-235 contained in the highly enriched uranium not of weapons origin downblended pursuant to subparagraph (A).

''(8) TERMINATION OF IMPORT RESTRICTIONS AFTER DOWNBLENDING OF AN ADDITIONAL 300 METRIC TONS OF HIGHLY ENRICHED URANIUM.—The provisions of this subsection shall terminate on the later of—

''(A) December 31, 2020; or

''(B) the date on which the Secretary of Energy certifies to Congress that, after the completion of the Russian HEU Agreement, not less than an additional 300 metric tons of Russian highly enriched uranium of weapons origin have been downblended.

''(9) SPECIAL RULE IF IMPORTATION UNDER RUSSIAN HEU AGREEMENT TERMINATES EARLY.—Notwithstanding any other provision of law, no low-enriched uranium produced in the Russian Federation that is not derived from highly enriched uranium of weapons origin, including low-enriched uranium obtained under contracts for separative work units, may be imported into the United States if, before the completion of the Russian HEU Agreement, the Secretary of Energy determines that the Russian Federation has taken deliberate action to disrupt or halt the importation into the United States of low-enriched uranium under the Russian HEU Agreement.

''(10) TECHNICAL VERIFICATIONS BY SECRETARY OF ENERGY.—

''(A) IN GENERAL.—The Secretary of Energy shall verify the origin, quantity, and uranium-235 content of the highly enriched uranium downblended for purposes of paragraphs (2)(B), (7), and (8)(B).

''(B) METHODS OF VERIFICATION.—In conducting the verification required under subparagraph (A), the Secretary of Energy shall employ the transparency measures provided for in the Russian HEU Agreement for monitoring the downblending of Russian highly enriched uranium of weapons origin and such other methods as the Secretary determines appropriate.

''(11) ENFORCEMENT OF IMPORT LIMITATIONS.—The Secretary of Commerce shall be responsible for enforcing the import limitations imposed under this subsection and shall enforce such import limitations in a manner that imposes a minimal burden on the commercial nuclear industry.

''(12) EFFECT ON OTHER AGREEMENTS.—

''(A) RUSSIAN HEU AGREEMENT.—Nothing in this section shall be construed to modify the terms of the Russian HEU Agreement, including the provisions of the Agreement relating to the amount of low-enriched uranium that may be imported into the United States.

''(B) OTHER AGREEMENTS.—If a provision of any agreement between the United States and the Russian Federation, other than the Russian HEU Agreement, relating to the importation of low-enriched uranium into the United States conflicts with a provision of this section, the provision of this section shall supersede the provision of the agreement to the extent of the conflict.

''(d) DOWNBLENDING OF HIGHLY ENRICHED URANIUM IN THE UNITED STATES.—The Secretary of Energy may sell uranium in the jurisdiction of the Secretary, including downblended highly enriched uranium, at fair market value to a licensed operator of a nuclear reactor in the United States—

''(1) in the event of a disruption in the nuclear fuel supply in the United States; or

''(2) after a determination of the Secretary under subsection (c)(9) that the Russian Federation has taken deliberate action to disrupt or halt the importation into the United States of low-enriched uranium under the Russian HEU Agreement.''.

CHAPTER 4

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2401. VETERANS BUSINESS RESOURCE CENTERS. There are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008, $600,000 for the ''Salaries and Expenses'' account of the Small Business Administration, for grants in the amount of $200,000 to veterans business resource centers that received grants from the National Veterans Business Development Corporation in fiscal years 2006 and 2007.

SEC. 2402. (A) IN GENERAL.—Section 604(a)(5) of title 28, United States Code, is amended by inserting after ''hold office during good behavior,'' the following: ''bankruptcy judges appointed under chapter 6 of title 28; territorial district court judges appointed under section 24 of the Organic Act of Guam (48 U.S.C. 1424b), section 1(b) of the Act of November 8, 1977 (48 U.S.C. 1821), or section 24(a) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1614(a)); bankruptcy judges retired under section 377 of title 28; and judges retired under section 373 of title 28,''.

(b) CONSTRUCTION.—For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, the following categories of judicial officers shall be deemed to be judges of the United States as described under section 8701 of title 5, United States Code:

(1) Bankruptcy judges appointed under chapter 6 of title 28, United States Code.

(2) Territorial district court judges appointed under section 24 of the Organic Act of Guam (48 U.S.C. 1424b), section 1(b) of the Act of November 8, 1977 (48 U.S.C. 1821), or section 24(a) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1614(a)).

(3) Bankruptcy judges retired under section 377 of title 28, United States Code.

(4) Judges retired under section 373 of title 28, United States Code.

(c) EFFECTIVE DATE.—Subsection (b) and the amendment made by subsection (a) shall apply with respect to any payment made on or after the first day of the first applicable pay period beginning on or after the date of enactment of Public Law No. 110–177.

SEC. 2403. Life Insurance for Tax Court Judges Age 65 or Over. (a) IN GENERAL.—Section 7472 of the Internal Revenue Code of 1986 is amended by inserting after the word ''imposed'' where it appears in the second sentence the following phrase: ''after April 24, 1999, that is incurred''.

(b) EFFECTIVE DATE.—This amendment shall take effect as if included in the amendment made by section 852 of the Pension Protection Act of 2006.

CHAPTER 5

GENERAL PROVISION—THIS CHAPTER

SEC. 2501. SECURE RURAL SCHOOLS ACT AMENDMENT. (a) For fiscal year 2008, payments shall be made from any revenues, fees, penalties, or miscellaneous receipts described in sections 102(b)(3) and 103(b)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note), not to exceed

$100,000,000, and the payments shall be made, to the maximum extent practicable, in the same amounts, for the same purposes, and in the same manner as were made to States and counties in 2006 under that Act.

(b) There is appropriated $400,000,000, to remain available until December 31, 2008, to be used to cover any shortfall for payments made under this section from funds not otherwise appropriated.

(c) Titles II and III of Public Law 106–393 are amended, effective September 30, 2006, by striking ''2007'' and ''2008'' each place they appear and inserting ''2008'' and ''2009'', respectively.

CHAPTER 6

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For an additional amount for ''State Unemployment Insurance and Employment Service Operations'' for grants to the States for the administration of State unemployment insurance, $110,000,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, to be used for unemployment insurance workloads experienced by the States through September 30, 2008, which shall be available for Federal obligation through December 31, 2008.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

For an additional amount for ''Disease Control, Research, and Training'', $26,000,000, for the prevention of and response to medical errors including research, education and outreach activities; of which no less than $5,000,000 shall be for responding to outbreaks of communicable diseases related to the re-use of syringes in outpatient clinics, including reimbursement of local health departments for testing and genetic sequencing of persons potentially exposed.

NATIONAL INSTITUTES OF HEALTH

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Office of the Director, National Institutes of Health'', $400,000,000, which shall be used to support additional scientific research in the Institutes and Centers of the National Institutes of Health: *Provided*, That these funds are to be transferred to the Institutes and Centers on a pro-rata basis: *Provided further*, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the National Institutes of Health: *Provided further*, That none of these funds are to be transferred to the Buildings and Facilities appropriation, the Center for Scientific Review, the Center for Information Technology, the Clinical Center, the Global Fund for HIV/AIDS, Tuberculosis and Malaria, and the Office of the Director except for the NIH Common Fund within the Office of the Director, which shall receive its pro-rata share of the increase.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2601. (a) In addition to amounts otherwise made available for fiscal year 2008, there are appropriated, out of any money in the Treasury not otherwise appropriated—

(1) $500,000,000 for fiscal year 2008, for making payments under subsections (a) through (d) of section 2604 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623); and

(2) $500,000,000 for fiscal year 2008, for making allotments under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(e)) that are made in such a manner as to ensure that each State's allotment percentage is the percentage the State would receive of funds allotted under section 2604(a) of such Act (42 U.S.C. 8623(a)), if the total amount appropriated for fiscal year 2008 and available to carry out such section 2604(a) had been less than $1,975,000,000.

(b) Funds appropriated under subsection (a)(2), and funds appropriated (but not obligated) prior to the date of enactment of this Act for making payments under section 2604(e) of such Act (42 U.S.C. 8623(e)), shall be released to States not later than 30 days after the date of enactment of this Act.

SEC. 2602. REPORT ON THE IMPACT OF PAST AND FUTURE MINIMUM WAGE INCREASES. (a) IN GENERAL.—Section 8104 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28; 121 Stat. 189) is amended to read as follows:

''SEC. 8104. REPORT ON THE IMPACT OF PAST AND FUTURE MINIMUM WAGE INCREASES.

''(a) STUDY.—Beginning on the date that is 60 days after the date of enactment of this Act, and every year thereafter until the minimum wage in the respective territory is $7.25 per hour, the Government Accountability Office shall conduct a study to—

''(1) assess the impact of the minimum wage increases that occurred in American Samoa and the Commonwealth of the Northern Mariana Islands in 2007 and 2008, as required under Public Law 110–28, on the rates of employment and the living standards of workers, with full consideration of the other factors that impact rates of employment and the living standards of workers such as inflation in the cost of food, energy, and other commodities; and

''(2) estimate the impact of any further wage increases on rates of employment and the living standards of workers in American Samoa and the Commonwealth of the Northern Mariana Islands, with full consideration of the other factors that may impact the rates of employment and the living standards of workers, including assessing how the profitability of major private sector firms may be impacted by wage increases in comparison to other factors such as energy costs and the value of tax benefits.

''(b) REPORT.—No earlier than March 15, 2009, and not later than April 15, 2009, the Government Accountability Office shall transmit its first report to Congress concerning the findings of the study required under subsection (a). The Government Accountability Office shall transmit any subsequent reports to Congress concerning the findings of a study required by subsection (a) between March 15 and April 15 of each year.

''(c) ECONOMIC INFORMATION.—To provide sufficient economic data for the conduct of the study under subsection (a)—

''(1) the Department of Labor shall include and separately report on American Samoa and the Commonwealth of the Northern Mariana Islands in its household surveys and establishment surveys;

''(2) the Bureau of Economic Analysis of the Department of Commerce shall include and separately report on American Samoa and the Commonwealth of the Northern Mariana Islands in its gross domestic product data; and

''(3) the Bureau of the Census of the Department of Commerce shall include and separately report on American Samoa and the Commonwealth of the Northern Mariana Islands in its population estimates and demographic profiles from the American Community Survey,

with the same regularity and to the same extent as the Department or each Bureau collects and reports such data for the 50 States. In the event that the inclusion of American Samoa and the Commonwealth of the Northern Mariana Islands in such surveys and data compilations requires time to structure and implement, the Department of Labor, the Bureau of Economic Analysis, and the Bureau of the Census (as the case may be) shall in the interim annually report the best available data that can feasibly be secured with respect to such territories. Such interim reports shall describe the steps the Department or the respective Bureau will take to improve future data collection in the territories to achieve comparability with the data collected in the United States. The Department of Labor, the Bureau of Economic Analysis, and the Bureau of the Census, together with the Department of the Interior, shall coordinate their efforts to achieve such improvements.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act.

CHAPTER 7

RELATED AGENCY

AMERICAN BATTLE MONUMENTS COMMISSION

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

For an additional amount for ''Foreign Currency Fluctuations Account'', $10,000,000, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

CHAPTER 8

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2801. Until January 1, 2009, an aircraft used by an air carrier in the operation specified in section 47528(e)(3) of title 49, United States Code, as of April 1, 2008, may continue to be operated under the provisions of that section by an air carrier that purchases or leases that aircraft after April 1, 2008, for conduct of the same operation. Operation of that aircraft under section 47528(e)(4) is authorized for the same time period.

SEC. 2802. Title 49, United States Code, is amended—

(1) by striking ''August 31, 2008,'' in section 44302(f)(1) and inserting ''August 31, 2009,'';

(2) by striking ''December 31, 2008,'' in section 44302(f)(1) and inserting ''December 31, 2009,''; and

(3) by striking ''December 31, 2008'' in section 44303(b) and inserting ''December 31, 2009''.

TITLE III

HURRICANES KATRINA AND RITA, AND OTHER NATURAL DISASTERS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

EMERGENCY CONSERVATION PROGRAM

For the purposes of carrying out the Emergency Conservation Program, there is hereby appropriated $49,413,000, to remain available until expended.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for ''Watershed and Flood Prevention Operations'', for emergency recovery operations, $130,464,000, to remain available until expended.

GENERAL PROVISION—THIS CHAPTER

(INCLUDING RESCISSION)

SEC. 3101. Of the funds made available in the second paragraph under the heading ''Rural Utilities Service, Rural Electrification and Telecommunications Loans Program Account'' in chapter 1 of division B of

the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148; 119 Stat. 2746), the Secretary may use an amount not to exceed $1,000,000 of remaining unobligated funds for the cost of loan modifications to rural electric loans made or guaranteed under the Rural Electrification Act of 1936, to respond to damage caused by any weather related events since Hurricane Katrina, to remain available until expended: *Provided*, That $1,000,000 of the remaining unobligated funds under such paragraph are rescinded.

CHAPTER 2

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for economic development assistance as provided by section 3082(a) of the Water Resources Development Act of 2007 (Public Law 110–114), $75,000,000, to remain available until September 30, 2009.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for ''Operations, Research, and Facilities'' for necessary expenses related to economic impacts associated with commercial fishery failures, fishery resource disasters, and regulations on commercial fishing industries, $75,000,000, to remain available until September 30, 2009.

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for ''State and Local Law Enforcement Assistance'', for discretionary grants authorized by subpart 2 of part E, of title I of the Omnibus Crime Control and Safe Streets Act of 1968 as in effect on September 30, 2006, notwithstanding the provisions of section 511 of said Act, $75,000,000, to remain available until September 30, 2009: *Provided*, That the amount made available under this heading shall be for local law enforcement initiatives in the Gulf Coast region related to the aftermath of Hurricane Katrina.

GENERAL PROVISION—THIS CHAPTER

SEC. 3201. GULF OF MEXICO DESIGNATIONS. (a) Notwithstanding any other provision of law, no funds made available under this Act or any other Act for fiscal year 2008 or 2009 may be used to establish a national monument or otherwise convey protected status to any area in the marine environment of the Exclusive Economic Zone of the United States under the Act of June 8, 1906 (16 U.S.C. 431 et seq.).

(b) Not later than 180 days after the date of enactment of this Act, the Secretary of Commerce may, as applicable, and in compliance with all requirements under title III of the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.) (including the procedures for designation and implementation under section 304 of that Act (16 U.S.C. 1434)) with respect to any proposed protected area, submit to Congress a study of the proposed protected area.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION

For an additional amount for ''Construction'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, and for recovery from other natural disasters $5,033,345,000, to remain available until expended: *Provided*, That the Secretary of the Army is directed to use $4,362,000,000 of the funds appropriated under this heading to modify authorized projects in southeast Louisiana to provide hurricane and storm damage reduction and flood damage reduction in the greater New Orleans and surrounding areas to provide the levels of protection necessary to achieve the certification required for participation in the National Flood Insurance Program under the base flood elevations current at the time of this construction; $1,657,000,000 shall be used for the Lake Pontchartrain and Vicinity; $1,415,000,000 shall be used for the West Bank and Vicinity project; and $1,290,000,000 shall be for elements of the Southeast Louisiana Urban Drainage project, that are within the geographic perimeter of the West Bank and Vicinity and Lake Pontchartrain and Vicinity projects to provide for interior drainage of runoff from rainfall with a 10 percent annual exceedance probability: *Provided further*, That none of this $4,362,000,000 shall become available for obligation until October 1, 2008: *Provided further*, That non-Federal cost allocations for these projects shall be consistent with the cost-sharing provisions under which the projects were originally constructed: *Provided further*, That the $1,315,000,000 non-Federal cost share for these projects shall be repaid in accordance with provisions of section 103(k) of Public Law 99–662 over a period of 30 years: *Provided further*, That the expenditure of funds as provided above may be made without regard to individual amounts or purposes except that any reallocation of funds that are necessary to accomplish the established goals are authorized, subject to the approval of the House and Senate Committees on Appropriations: *Provided further*, That the Secretary of the Army is directed to use $604,745,000 of the funds appropriated under this heading to provide hurricane and storm damage reduction, flood damage reduction and ecosystem restoration along the Gulf Coast of Mississippi and surrounding areas generally as described in the Mobile District Engineer's Mississippi Coastal Improvements Program Comprehensive Plan Report; $173,615,000 shall be used for ecosystem restoration projects; $4,550,000 shall be used for the Moss Point Municipal Relocation project; $5,000,000 shall be used for the Waveland Floodproofing project; $150,000 shall be used for the Mississippi Sound Sub Aquatic Vegetation project; $15,430,000 shall be used for the Coast-wide Dune Restoration project; $397,000,000 shall be used for the Homeowners Assistance and Relocation project; and $9,000,000 shall be used for the Forrest Heights Hurricane and Storm Damage Reduction project: *Provided further*, That none of this $604,745,000 shall become available for obligation until October 1, 2008: *Provided further*, That these projects shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: *Provided further*, That the $211,661,000 non-Federal cost share for these projects shall be repaid in accordance with the provisions of section 103(k) of Public Law 99–662 over a period of 30 years: *Provided further*, That the expenditure of funds as provided above may be made without regard to individual amounts or purposes except that any reallocation of funds that are necessary to accomplish the established goals are authorized, subject to the approval of the House and Senate Committees on Appropriations: *Provided further*, That the Secretary of the Army is directed to use $66,600,000 of the funds appropriated under this heading to address emergency situations at Corps of Engineers projects and rehabilitate and repair damages to Corps projects caused by recent natural disasters: *Provided further*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for ''Mississippi River and Tributaries'' for recovery from natural disasters, $17,700,000, to remain available until expended to repair damages to Federal projects caused by recent natural disasters.

OPERATIONS AND MAINTENANCE

For an additional amount for ''Operations and Maintenance'' to dredge navigation channels and repair other Corps projects related to natural disasters, $338,800,000, to remain available until expended: *Provided*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for ''Flood Control and Coastal Emergencies'', as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to the consequences of Hurricane Katrina and other hurricanes, and for recovery from other natural disasters, $3,368,400,000, to remain available until expended: *Provided*, That the Secretary of the Army is directed to use $2,926,000,000 of the funds appropriated under this heading to modify, at full Federal expense, authorized projects in southeast Louisiana to provide hurricane and storm damage reduction and flood damage reduction in the greater New Orleans and surrounding areas; $704,000,000 shall be used to modify the 17th Street, Orleans Avenue, and London Avenue drainage canals and install pumps and closure structures at or near the lakefront; $90,000,000 shall be used for stormproofing interior pump stations to ensure the operability of the stations during hurricanes, storms, and high water events; $459,000,000 shall be used for armoring critical elements of the New Orleans hurricane and storm damage reduction system; $53,000,000 shall be used to improve protection at the Inner Harbor Navigation Canal; $456,000,000 shall be used to replace or modify certain non-Federal levees in Plaquemines Parish to incorporate the levees into the existing New Orleans to Venice hurricane protection project; $412,000,000 shall be used for reinforcing or replacing flood walls, as necessary, in the existing Lake Pontchartrain and Vicinity project and the existing West Bank and Vicinity project to improve the performance of the systems; $393,000,000 shall be used for repair and restoration of authorized protections and floodwalls; $359,000,000 shall be to complete the authorized protection for the Lake Ponchartrain and Vicinity Project and for the West Bank and Vicinity Project: *Provided further*, That none of this $2,926,000,000 shall become available for obligation until October 1, 2008: *Provided further*, That any project using funds appropriated under this heading shall be initiated only

after non-Federal interests have entered into binding agreements with the Secretary requiring the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: *Provided further*, That the Secretary of the Army, within available funds, is directed to continue the NEPA alternative evaluation of all options with particular attention to Options 1, 2 and 2a of the report to Congress, dated August 30, 2007, provided in response to the requirements of chapter 3, section 4303 of Public Law 110–28, and within 90 days of enactment of this Act provide the House and Senate Committees on Appropriations cost estimates to implement Options 1, 2 and 2a of the above cited report: *Provided further*, That the expenditure of funds as provided above may be made without regard to individual amounts or purposes except that any reallocation of funds that are necessary to accomplish the established goals are authorized, subject to the approval of the House and Senate Committees on Appropriations: *Provided further*, That $348,000,000 of the amount provided under this heading shall be used for barrier island restoration and ecosystem restoration to restore historic levels of storm damage reduction to the Mississippi Gulf Coast: *Provided further*, That none of this $348,000,000 shall become available for obligation until October 1, 2008: *Provided further*, That this work shall be carried out at full Federal expense: *Provided further*, That the Secretary of the Army is directed to use $94,400,000 of the funds appropriated under this heading to support emergency operations, to repair eligible projects nationwide, and for other activities in response to recent natural disasters: *Provided further*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

GENERAL EXPENSES

For an additional amount for ''General Expenses'' for increased efforts by the Mississippi Valley Division to oversee emergency response and recovery activities related to the consequences of hurricanes in the Gulf of Mexico in 2005, $1,500,000, to remain available until expended.

CHAPTER 4

GENERAL PROVISION—THIS CHAPTER

SEC. 3401. (a) EXTENSION OF PARTICIPATION TERM FOR VICTIMS OF HURRICANE KATRINA.—

(1) RETROACTIVITY.—If a small business concern, while participating in any program or activity under the authority of paragraph (10) of section 7(j) of the Small Business Act (15 U.S.C. 636(j)), was located in a parish or county described in paragraph (2) and was affected by Hurricane Katrina of 2005, the period during which that small business concern is permitted continuing participation and eligibility in such program or activity shall be extended for an additional 24 months.

(2) PARISHES AND COUNTIES COVERED.—Paragraph (1) applies to any parish in the State of Louisiana, or any county in the State of Mississippi or in the State of Alabama, that has been designated by the Administrator as a disaster area by reason of Hurricane Katrina of 2005 under disaster declaration 10176, 10177, 10178, 10179, 10180, or 10181.

(3) REVIEW AND COMPLIANCE.—The Administrator shall ensure that the eligibility for continuing participation by each small business concern that was participating in a program or activity covered by paragraph (1) before the date of enactment of this Act is reviewed and brought into compliance with this subsection.

(b) DEFINITIONS.—In this section—

(1) the term ''Administrator'' means the Administrator of the Small Business Administration; and

(2) the term ''small business concern'' has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632).

CHAPTER 5

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3501. Notwithstanding any other provision of law, and not later than 30 days after the date of submission of a request for a single payment, the Federal Emergency Management Agency shall provide a single payment for any eligible costs under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act for any police station, fire station, or criminal justice facility that was damaged by Hurricane Katrina of 2005 or Hurricane Rita of 2005: *Provided*, That nothing in this section may be construed to alter the appeal or review process relating to assistance provided under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided further*, That the Federal Emergency Management Agency shall not reduce the amount of assistance provided under section 406(c)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act for such facilities.

SEC. 3502. Until such time as the updating of flood insurance rate maps under section 19 of the Flood Modernization Act of 2007 is completed (as determined by the district engineer) for all areas located in the St. Louis District of the Mississippi Valley Division of the Corps of Engineers, the Administrator of the Federal Emergency Management Agency shall not adjust the chargeable premium rate for flood insurance under this section for any type or class of property located in an area in that District nor require the purchase of flood insurance for any type or class of property located in an area in that District not subject to such purchase requirement prior to the updating of such national flood insurance program rate map: *Provided*, That for purposes of this section, the term ''area'' does not include any area (or subdivision thereof) that has chosen not to participate in the flood insurance program under this section as of the date of enactment of this Act.

CHAPTER 6

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Wildland Fire Management'', $125,000,000, to remain available until expended, of which $100,000,000 is for emergency wildland fire suppression activities, and of which $25,000,000 is for rehabilitation and restoration of Federal lands: *Provided*, That emergency wildland fire suppression funds are also available for repayment to other appropriations accounts from which funds were transferred for wildfire suppression.

NATIONAL PARK SERVICE

HISTORIC PRESERVATION FUND

For an additional amount for the ''Historic Preservation Fund'', for expenses related to the consequences of Hurricane Katrina, $15,000,000, to remain available until expended: *Provided*, That the funds provided under this heading shall be provided to the Louisiana State Historic Preservation Officer, after consultation with the National Park Service, for grants for restoration and rehabilitation at Jackson Barracks: *Provided further*, That no more than 5 percent of funds provided under this heading for disaster relief grants may be used for administrative expenses.

ENVIRONMENTAL PROTECTION AGENCY

STATE AND TRIBAL ASSISTANCE GRANTS

For an additional amount for ''State and Tribal Assistance Grants'', for expenses related to the consequences of Hurricane Katrina, $5,000,000, to remain available until expended, for a grant to Cameron Parish, Louisiana, for construction of drinking water, wastewater and storm water infrastructure and for water quality protection: *Provided*, That for purposes of this grant, the 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.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for ''Wildland Fire Management'', $325,000,000, to remain available until expended, of which $250,000,000 shall be available for emergency wildfire suppression, and of which $75,000,000 shall be available for rehabilitation and restoration of Federal lands and may be transferred to other Forest Service accounts as necessary: *Provided*, That emergency wildfire suppression funds are also available for repayment to other appropriations accounts from which funds were transferred for wildfire suppression.

GENERAL PROVISION—THIS CHAPTER

SEC. 3601. Funds appropriated in section 132 of division F, Public Law 110–161, shall not be subject to 49 CFR Part 24 or Departmental policies issues pursuant to such regulations.

CHAPTER 7

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR MEDICARE AND MEDICAID SERVICES

For grants to States, consistent with section 6201(a)(4) of the Deficit Reduction Act of 2005, to make payments as defined by the Secretary in the methodology used for the Provider Stabilization grants to those Medicare participating general acute care hospitals, as defined in section 1886(d) of the Social Security Act, and currently operating in Jackson, Forrest, Hancock, and Harrison Counties of Mississippi and Orleans and Jefferson Parishes of Louisiana which continue to experience severe financial exigencies and other economic losses attributable to Hurricane Katrina or its subsequent flooding, and are in need of supplemental funding to relieve the financial pressures these hospitals face resulting from increased wage rates in hiring and retaining staff in order to stabilize access to patient care, $350,000,000, to be made available until September 30, 2010.

CHAPTER 8

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for ''Military Construction, Army National Guard'', $11,503,000, to remain available until September 30, 2012: *Provided*, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds appropriated for ''Military Construction, Army National Guard'' under Public Law 109–234, $7,000,000 are hereby rescinded.

GENERAL PROVISION—THIS CHAPTER

SEC. 3801. Within the funds available in the Department of Defense Family Housing Improvement Fund as credited in accordance with 10 U.S.C. 2883(c), $10,500,000 shall be available for use at the Naval Construction Battalion Center, Gulfport, Mississippi, under the terms and conditions specified by 10 U.S.C. 2883, to remain available until expended.

CHAPTER 9

DEPARTMENT OF TRANSPORTATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

For an additional amount for the Emergency Relief Program as authorized under section 125 of title 23, United States Code, for eligible disasters occurring in fiscal years 2005 to the present, $451,126,383, to remain available until expended.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PERMANENT SUPPORTIVE HOUSING

For the provision of permanent supportive housing units as identified in the plan of the Louisiana Recovery Authority and approved by the Secretary of Housing and Urban Development, $73,000,000 to remain available until expended, of which not less than $20,000,000 shall be for project-based vouchers under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)), not less than $50,000,000 shall be for grants under the Shelter Plus Care Program as authorized under subtitle F of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11403 et seq.), and not more than $3,000,000 shall be for related administrative expenses of the State of Louisiana or its designee or designees: *Provided*, That the Secretary of Housing and Urban Development shall, upon request, make funds available under this paragraph to the State of Louisiana or its designee or designees: *Provided further*, That notwithstanding any other provision of law, for the purpose of administering the amounts provided under this paragraph, the State of Louisiana or its designee or designees may act in all respects as a public housing agency as defined in section 3(b)(6) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(6)): *Provided further*, That subparagraphs (B) and (D) of section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) shall not apply with respect to vouchers made available under this paragraph.

PROJECT-BASED RENTAL ASSISTANCE

For an additional amount to areas impacted by Hurricane Katrina in the State of Mississippi for project-based vouchers under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)13)), $20,000,000, to remain available until expended.

HOUSING TRANSITION ASSISTANCE

For an additional amount to the State of Louisiana for case management and housing transition services for families in areas impacted by Hurricanes Katrina and Rita of 2005, $3,000,000, to remain available until expended.

COMMUNITY DEVELOPMENT FUND

For an additional amount for the ''Community development fund'' for necessary expenses related to any uncompensated housing damage directly related to the consequences of Hurricane Katrina in the State of Alabama, $50,000,000, to remain available until expended: *Provided*, That prior to the obligation of funds the State shall submit a plan to the Secretary detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address uncompensated housing damage: *Provided further*, That such funds may not be used for activities reimbursable by or for which funds are made available by the Federal Emergency Management Agency: *Provided further*, That the State may use up to 5 percent of its allocation for administrative costs: *Provided further*, That in administering the funds under this paragraph, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a request by the State that such waiver is required to facilitate the use of such funds or guarantees, and a finding by the Secretary that such waiver would not be inconsistent with the overall purpose of the statute: *Provided further*, That the Secretary may waive the requirement that activities benefit persons of low and moderate income, except that at least 50 percent of the funds made available under this heading must benefit primarily persons of low and moderate income unless the Secretary otherwise makes a finding of compelling need: *Provided further*, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver.

(RESCISSION)

Of the unobligated balances remaining from funds appropriated under this heading by section 159 of Public Law 110–116 for the Louisiana Road Home program, $200,000,000 are rescinded.

TITLE IV—VETERANS EDUCATIONAL ASSISTANCE

SEC. 4001. SHORT TITLE.

This title may be cited as the ''Post-9/11 Veterans Educational Assistance Act of 2008''.

SEC. 4002. FINDINGS.

Congress makes the following findings:

(1) On September 11, 2001, terrorists attacked the United States, and the brave members of the Armed Forces of the United States were called to the defense of the Nation.

(2) Service on active duty in the Armed Forces has been especially arduous for the members of the Armed Forces since September 11, 2001.

(3) The United States has a proud history of offering educational assistance to millions of veterans, as demonstrated by the many ''G.I. Bills'' enacted since World War II. Educational assistance for veterans helps reduce the costs of war, assist veterans in readjusting to civilian life after wartime service, and boost the United States economy, and has a positive effect on recruitment for the Armed Forces.

(4) The current educational assistance program for veterans is outmoded and designed for peacetime service in the Armed Forces.

(5) The people of the United States greatly value military service and recognize the difficult challenges involved in readjusting to civilian life after wartime service in the Armed Forces.

(6) It is in the national interest for the United States to provide veterans who serve on active duty in the Armed Forces after September 11, 2001, with enhanced educational assistance benefits that are worthy of such service and are commensurate with the educational assistance benefits provided by a grateful Nation to veterans of World War II.

SEC. 4003. EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE ARMED FORCES WHO SERVE AFTER SEPTEMBER 11, 2001.

(a) EDUCATIONAL ASSISTANCE AUTHORIZED.—

(1) IN GENERAL.—Part III of title 38, United States Code, is amended by inserting after chapter 32 the following new chapter:

''CHAPTER 33—POST–9/11 EDUCATIONAL ASSISTANCE

''SUBCHAPTER I—DEFINITIONS

''Sec.
''3301. Definitions.

''SUBCHAPTER II—EDUCATIONAL ASSISTANCE

''3311. Educational assistance for service in the Armed Forces commencing on or after September 11, 2001: entitlement.
''3312. Educational assistance: duration.
''3313. Educational assistance: amount; payment.
''3314. Tutorial assistance.
''3315. Licensure and certification tests.
''3316. Supplemental educational assistance: members with critical skills or specialty; members serving additional service.
''3317. Public-private contributions for additional educational assistance.
''3318. Additional assistance: relocation or travel assistance for individual relocating or traveling significant distance for pursuit of a program of education.

''SUBCHAPTER III—ADMINISTRATIVE PROVISIONS

''3321. Time limitation for use of and eligibility for entitlement.
''3322. Bar to duplication of educational assistance benefits.
''3323. Administration.
''3324. Allocation of administration and costs.

''SUBCHAPTER I—DEFINITIONS

''§ 3301. Definitions

''In this chapter:

''(1) The term 'active duty' has the meanings as follows (subject to the limitations specified in sections 3002(6) and 3311(b) of this title):

''(A) In the case of members of the regular components of the Armed Forces, the meaning given such term in section 101(21)(A) of this title.

''(B) In the case of members of the reserve components of the Armed Forces, service on active duty under a call or order to active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10.

''(2) The term 'entry level and skill training' means the following:

''(A) In the case of members of the Army, Basic Combat Training and Advanced Individual Training.

''(B) In the case of members of the Navy, Recruit Training (or Boot Camp) and Skill Training (or so-called 'A' School).

''(C) In the case of members of the Air Force, Basic Military Training and Technical Training.

''(D) In the case of members of the Marine Corps, Recruit Training and Marine Corps Training (or School of Infantry Training).

''(E) In the case of members of the Coast Guard, Basic Training.

''(3) The term 'program of education' has the meaning the meaning given such term in section 3002 of this title, except to the extent otherwise provided in section 3313 of this title.

''(4) The term 'Secretary of Defense' has the meaning given such term in section 3002 of this title.

''SUBCHAPTER II—EDUCATIONAL ASSISTANCE

''§ 3311. Educational assistance for service in the Armed Forces commencing on or after September 11, 2001: entitlement

''(a) ENTITLEMENT.—Subject to subsections (d) and (e), each individual described in subsection (b) is entitled to educational assistance under this chapter.

''(b) COVERED INDIVIDUALS.—An individual described in this subsection is any individual as follows:

''(1) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 36 months on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty; or

''(ii) is discharged or released from active duty as described in subsection (c).

''(2) An individual who—

''(A) commencing on or after September 11, 2001, serves at least 30 continuous days on active duty in the Armed Forces; and

''(B) after completion of service described in subparagraph (A), is discharged or released from active duty in the Armed Forces for a service-connected disability.

''(3) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 30 months, but less than 36 months, on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 36 months; or

''(ii) before completion of service on active duty of an aggregate of 36 months, is discharged or released from active duty as described in subsection (c).

''(4) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 24 months, but less than 30 months, on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 30 months; or

''(ii) before completion of service on active duty of an aggregate of 30 months, is discharged or released from active duty as described in subsection (c).

''(5) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 18 months, but less than 24 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 24 months; or

''(ii) before completion of service on active duty of an aggregate of 24 months, is discharged or released from active duty as described in subsection (c).

''(6) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 12 months, but less than 18 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 18 months; or

''(ii) before completion of service on active duty of an aggregate of 18 months, is discharged or released from active duty as described in subsection (c).

''(7) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 6 months, but less than 12 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 12 months; or

''(ii) before completion of service on active duty of an aggregate of 12 months, is discharged or released from active duty as described in subsection (c).

''(8) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 90 days, but less than 6 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 6 months; or

''(ii) before completion of service on active duty of an aggregate of 6 months, is discharged or released from active duty as described in subsection (c).

''(c) COVERED DISCHARGES AND RELEASES.—A discharge or release from active duty of an individual described in this subsection is a discharge or release as follows:

''(1) A discharge from active duty in the Armed Forces with an honorable discharge.

''(2) A release after service on active duty in the Armed Forces characterized by the Secretary concerned as honorable service and placement on the retired list, transfer to the Fleet Reserve or Fleet Marine Corps Reserve, or placement on the temporary disability retired list.

''(3) A release from active duty in the Armed Forces for further service in a reserve component of the Armed Forces after service on active duty characterized by the Secretary concerned as honorable service.

''(4) A discharge or release from active duty in the Armed Forces for—

''(A) a medical condition which preexisted the service of the individual as described in the applicable paragraph of subsection (b) and which the Secretary determines is not service-connected;

''(B) hardship; or

''(C) a physical or mental condition that was not characterized as a disability and did not result from the individual's own willful misconduct but did interfere with the individual's performance of duty, as determined by the Secretary concerned in accordance with regulations prescribed by the Secretary of Defense.

''(d) PROHIBITION ON TREATMENT OF CERTAIN SERVICE AS PERIOD OF ACTIVE DUTY.—The following periods of service shall not be considered a part of the period of active duty on which an individual's entitlement to educational assistance under this chapter is based:

''(1) A period of service on active duty of an officer pursuant to an agreement under section 2107(b) of title 10.

''(2) A period of service on active duty of an officer pursuant to an agreement under section 4348, 6959, or 9348 of title 10.

''(3) A period of service that is terminated because of a defective enlistment and induction based on—

''(A) the individual's being a minor for purposes of service in the Armed Forces;

''(B) an erroneous enlistment or induction; or

''(C) a defective enlistment agreement.

''(e) TREATMENT OF INDIVIDUALS ENTITLED UNDER MULTIPLE PROVISIONS.—In the event an individual entitled to educational assistance under this chapter is entitled by reason of both paragraphs (4) and (5) of subsection (b), the individual shall be treated as being entitled to educational assistance under this chapter by reason of paragraph (5) of such subsection.

''§ 3312. Educational assistance: duration

''(a) IN GENERAL.—Subject to section 3695 of this title and except as provided in subsections (b) and (c), an individual entitled to educational assistance under this chapter is entitled to a number of months of educational assistance under section 3313 of this title equal to 36 months.

''(b) CONTINUING RECEIPT.—The receipt of educational assistance under section 3313 of this title by an individual entitled to educational assistance under this chapter is subject to the provisions of section 3321(b)(2) of this title.

''(c) DISCONTINUATION OF EDUCATION FOR ACTIVE DUTY.—(1) Any payment of educational assistance described in paragraph (2) shall not—

''(A) be charged against any entitlement to educational assistance of the individual concerned under this chapter; or

''(B) be counted against the aggregate period for which section 3695 of this title limits the individual's receipt of educational assistance under this chapter.

''(2) Subject to paragraph (3), the payment of educational assistance described in this paragraph is the payment of such assistance to an individual for pursuit of a course or courses under this chapter if the Secretary finds that the individual—

''(A)(i) in the case of an individual not serving on active duty, had to discontinue such course pursuit as a result of being called or ordered to serve on active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10; or

''(ii) in the case of an individual serving on active duty, had to discontinue such course pursuit as a result of being ordered to a new duty location or assignment or to perform an increased amount of work; and

''(B) failed to receive credit or lost training time toward completion of the individual's approved education, professional, or vocational objective as a result of having to discontinue, as described in subparagraph (A), the individual's course pursuit.

''(3) The period for which, by reason of this subsection, educational assistance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the portion of the period of enrollment in the course or courses from which the individual failed to receive credit or with respect to which the individual lost training time, as determined under paragraph (2)(B).

''§ 3313. Educational assistance: amount; payment

''(a) PAYMENT.—The Secretary shall pay to each individual entitled to educational assistance under this chapter who is pursuing an approved program of education (other than a program covered by subsections (e) and (f)) the amounts specified in subsection (c) to meet the expenses of such individual's subsistence, tuition, fees, and other educational costs for pursuit of such program of education.

''(b) APPROVED PROGRAMS OF EDUCATION.—A program of education is an approved program of education for purposes of this chapter if the program of education is offered by an institution of higher learning (as that term is defined in section 3452(f) of this title) and is approved for purposes of chapter 30 of this title (including approval by the State approving agency concerned).

''(c) AMOUNT OF EDUCATIONAL ASSISTANCE.—The amounts payable under this subsection for pursuit of an approved program of education are amounts as follows:

''(1) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(1) or 3311(b)(2) of this title, amounts as follows:

''(A) An amount equal to the established charges for the program of education, except that the amount payable under this subparagraph may not exceed the maximum amount of established charges regularly charged in-State students for full-time pursuit of approved programs of education for undergraduates by the public institution of higher education offering approved programs of education for undergraduates in the State in which the individual is enrolled that has the highest rate of regularly-charged established charges for such programs of education among all public institutions of higher education in such State offering such programs of education.

''(B) A monthly stipend in an amount as follows:

''(i) For each month the individual pursues the program of education, other than a program of education offered through distance learning, a monthly housing stipend amount equal to the monthly amount of the basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E–5 residing in the military housing area that encompasses all or the majority portion of the ZIP code area in which is located the institution of higher education at which the individual is enrolled.

''(ii) For the first month of each quarter, semester, or term, as applicable, of the program of education pursued by the individual, a lump sum amount for books, supplies, equipment, and other educational costs with respect to such quarter, semester, or term in the amount equal to—

''(I) $1,000, multiplied by

''(II) the fraction which is the portion of a complete academic year under the program of education that such quarter, semester, or term constitutes.

''(2) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(3) of this title, amounts equal to 90 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(3) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(4) of this title, amounts equal to 80 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(4) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(5) of this title, amounts equal to 70 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(5) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(6) of this title, amounts equal to 60 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(6) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(7) of this title, amounts equal to 50 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(7) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(8) of this title, amounts equal to 40 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(d) FREQUENCY OF PAYMENT.—(1) Payment of the amounts payable under subsection (c)(1)(A), and of similar amounts payable under paragraphs (2) through (7) of subsection (c), for pursuit of a program of education shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

''(2) Payment of the amount payable under subsection (c)(1)(B), and of similar amounts payable under paragraphs (2) through (7) of subsection (c), for pursuit of a program of education shall be made on a monthly basis.

''(3) The Secretary shall prescribe in regulations methods for determining the number of months (including fractions thereof) of entitlement of an individual to educational assistance this chapter that are chargeable under this chapter for an advance payment of amounts under paragraphs (1) and (2) for pursuit of a program of education on a quarter, semester, term, or other basis.

''(e) PROGRAMS OF EDUCATION PURSUED ON ACTIVE DUTY.—(1) Educational assistance is payable under this chapter for pursuit of an approved program of education while on active duty.

''(2) The amount of educational assistance payable under this chapter to an individual pursuing a program of education while on active duty is the lesser of—

''(A) the established charges which similarly circumstanced nonveterans enrolled in the program of education involved would be required to pay; or

''(B) the amount of the charges of the educational institution as elected by the individual in the manner specified in section 3014(b)(1) of this title.

''(3) Payment of the amount payable under paragraph (2) for pursuit of a program of education shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

''(4) For each month (as determined pursuant to the methods prescribed under subsection (d)(3)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at the rate of one month for each such month.

''(f) PROGRAMS OF EDUCATION PURSUED ON HALF-TIME BASIS OR LESS.—(1) Educational assistance is payable under this chapter for pursuit of an approved program of education on half-time basis or less.

''(2) The educational assistance payable under this chapter to an individual pursuing a program of education on half-time basis or less is the amounts as follows:

''(A) The amount equal to the lesser of—

''(i) the established charges which similarly circumstanced nonveterans enrolled in the program of education involved would be required to pay; or

''(ii) the maximum amount that would be payable to the individual for the program of education under paragraph (1)(A) of subsection (c), or under the provisions of paragraphs (2) through (7) of subsection (c) applicable to the individual, for the program of education if the individual were entitled to amounts for the program of education under subsection (c) rather than this subsection.

''(B) A stipend in an amount equal to the amount of the appropriately reduced amount of the lump sum amount for books, supplies, equipment, and other educational costs otherwise payable to the individual under subsection (c).

''(3) Payment of the amounts payable to an individual under paragraph (2) for pursuit of a program of education on half-time basis or less shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

''(4) For each month (as determined pursuant to the methods prescribed under subsection (d)(3)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at a percentage of a month equal to—

''(A) the number of course hours borne by the individual in pursuit of the program of education involved, divided by

''(B) the number of course hours for full-time pursuit of such program of education.

''(g) PAYMENT OF ESTABLISHED CHARGES TO EDUCATIONAL INSTITUTIONS.—Amounts payable under subsections (c)(1)(A) (and of similar amounts payable under paragraphs (2) through (7) of subsection (c)), (e)(2) and (f)(2)(A) shall be paid directly to the educational institution concerned.

''(h) ESTABLISHED CHARGES DEFINED.—(1) In this section, the term 'established charges', in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary) for tuition and fees which similarly circumstanced nonveterans enrolled in the program of education would be required to pay.

''(2) Established charges shall be determined for purposes of this subsection on the following basis:

''(A) In the case of an individual enrolled in a program of education offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the term, quarter, or semester.

''(B) In the case of an individual enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the entire program of education.

''§ 3314. Tutorial assistance

''(a) IN GENERAL.—Subject to subsection (b), an individual entitled to educational assistance under this chapter shall also be entitled to benefits provided an eligible veteran under section 3492 of this title.

''(b) CONDITIONS.—(1) The provision of benefits under subsection (a) shall be subject to the conditions applicable to an eligible veteran under section 3492 of this title.

''(2) In addition to the conditions specified in paragraph (1), benefits may not be provided to an individual under subsection (a) unless the professor or other individual teaching, leading, or giving the course for which such benefits are provided certifies that—

''(A) such benefits are essential to correct a deficiency of the individual in such course; and

''(B) such course is required as a part of, or is prerequisite or indispensable to the satisfactory pursuit of, an approved program of education.

''(c) AMOUNT.—(1) The amount of benefits described in subsection (a) that are payable under this section may not exceed $100 per month, for a maximum of 12 months, or until a maximum of $1,200 is utilized.

''(2) The amount provided an individual under this subsection is in addition to the amounts of educational assistance paid the individual under section 3313 of this title.

''(d) NO CHARGE AGAINST ENTITLEMENT.—Any benefits provided an individual under subsection (a) are in addition to any other educational assistance benefits provided the individual under this chapter.

''§ 3315. Licensure and certification tests

''(a) IN GENERAL.—An individual entitled to educational assistance under this chapter shall also be entitled to payment for one licensing or certification test described in section 3452(b) of this title.

''(b) LIMITATION ON AMOUNT.—The amount payable under subsection (a) for a licensing or certification test may not exceed the lesser of—

''(1) $2,000; or

''(2) the fee charged for the test.

''(c) NO CHARGE AGAINST ENTITLEMENT.—Any amount paid an individual under subsection (a) is in addition to any other educational assistance benefits provided the individual under this chapter.

''§ 3316. Supplemental educational assistance: members with critical skills or specialty; members serving additional service

''(a) INCREASED ASSISTANCE FOR MEMBERS WITH CRITICAL SKILLS OR SPECIALTY.—(1) In the case of an individual who has a skill or specialty designated by the Secretary concerned as a skill or specialty in which there is a critical shortage of personnel or for which it is difficult to recruit or, in the case of critical units, retain personnel, the Secretary concerned may increase the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c) of this title, or under paragraphs (2) through (7) of such section (as applicable).

''(2) The amount of the increase in educational assistance authorized by paragraph (1) may not exceed the amount equal to the monthly amount of increased basic educational assistance providable under section 3015(d)(1) of this title at the time of the increase under paragraph (1).

''(b) SUPPLEMENTAL ASSISTANCE FOR ADDITIONAL SERVICE.—(1) The Secretary concerned may provide for the payment to an individual entitled to educational assistance under this chapter of supplemental educational assistance for additional service authorized by subchapter III of chapter 30 of this title. The amount so payable shall be payable as an increase in the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c) of this title, or under paragraphs (2) through (7) of such section (as applicable).

''(2) Eligibility for supplement educational assistance under this subsection shall be determined in accordance with the provisions of subchapter III of chapter 30 of this title, except that any reference in such provisions to eligibility for basic educational assistance under a provision of subchapter II of chapter 30 of this title shall be treated as a reference to eligibility for educational assistance under the appropriate provision of this chapter.

''(3) The amount of supplemental educational assistance payable under this subsection shall be the amount equal to the monthly amount of supplemental educational payable under section 3022 of this title.

''(c) REGULATIONS.—The Secretaries concerned shall administer this section in accordance with such regulations as the Secretary of Defense shall prescribe.

''§ 3317. Public-private contributions for additional educational assistance

''(a) ESTABLISHMENT OF PROGRAM.—In instances where the educational assistance provided pursuant to section 3313(c)(1)(A) does not cover the full cost of established charges (as specified in section 3313 of this title), the Secretary shall carry out a program under which colleges and universities can, voluntarily, enter into an agreement with the Secretary to cover a portion of those established charges not otherwise covered under section 3313(c)(1)(A), which contributions shall be matched by equivalent contributions toward such costs by the Secretary. The program shall only apply to covered individuals described in paragraphs (1) and (2) of section 3311(b).

''(b) DESIGNATION OF PROGRAM.—The program under this section shall be known as the 'Yellow Ribbon G.I. Education Enhancement Program'.

''(c) AGREEMENTS.—The Secretary shall enter into an agreement with each college or university seeking to participate in the program under this section. Each agreement shall specify the following:

''(1) The manner (whether by direct grant, scholarship, or otherwise) of the contributions to be made by the college or university concerned.

''(2) The maximum amount of the contribution to be made by the college or university concerned with respect to any particular individual in any given academic year.

''(3) The maximum number of individuals for whom the college or university concerned will make contributions in any given academic year.

''(4) Such other matters as the Secretary and the college or university concerned jointly consider appropriate.

''(d) MATCHING CONTRIBUTIONS.—(1) In instances where the educational assistance provided an individual under section 3313(c)(1)(A) of this title does not cover the full cost of tuition and mandatory fees at a college or university, the Secretary shall provide up to 50 percent of the remaining costs for tuition and mandatory fees if the college or university voluntarily enters into an agreement with the Secretary to match an equal percentage of any of the remaining costs for such tuition and fees.

''(2) Amounts available to the Secretary under section 3324(b) of this title for payment of the costs of this chapter shall be available to the Secretary for purposes of paragraph (1).

''(e) OUTREACH.—The Secretary shall make available on the Internet website of the Department available to the public a current list of the colleges and universities participating in the program under this section. The list shall specify, for each college or university so listed, appropriate information on the agreement between the Secretary and such college or university under subsection (c).

''§ 3318. Additional assistance: relocation or travel assistance for individual relocating or traveling significant distance for pursuit of a program of education

''(a) ADDITIONAL ASSISTANCE.—Each individual described in subsection (b) shall be paid additional assistance under this section in the amount of $500.

''(b) COVERED INDIVIDUALS.—An individual described in this subsection is any individual entitled to educational assistance under this chapter—

''(1) who resides in a highly rural area (as determined by the Bureau of the Census); and

''(2) who—

''(A) physically relocates a distance of at least 500 miles in order to pursue a program of education for which the individual utilizes educational assistance under this chapter; or

''(B) travels by air to physically attend an institution of higher education for pursuit of such a program of education because the individual cannot travel to such institution by automobile or other established form of transportation due to an absence of road or other infrastructure.

''(c) PROOF OF RESIDENCE.—For purposes of subsection (b)(1), an individual may demonstrate the individual's place of residence utilizing any of the following:

''(1) DD Form 214, Certification of Release or Discharge from Active Duty.

''(2) The most recent Federal income tax return.

''(3) Such other evidence as the Secretary shall prescribe for purposes of this section.

''(d) SINGLE PAYMENT OF ASSISTANCE.—An individual is entitled to only one payment of additional assistance under this section.

''(e) NO CHARGE AGAINST ENTITLEMENT.—Any amount paid an individual under this section is in addition to any other educational assistance benefits provided the individual under this chapter.''.

''SUBCHAPTER III—ADMINISTRATIVE PROVISIONS

''§ 3321. Time limitation for use of and eligibility for entitlement

''(a) IN GENERAL.—Except as provided in this section, the period during which an individual entitled to educational assistance under this chapter may use such individual's entitlement expires at the end of the 15-year period beginning on the date of such individual's last discharge or release from active duty.

''(b) EXCEPTIONS.—(1) Subsections (b), (c), and (d) of section 3031 of this title shall apply with respect to the running of the 15-year period described in subsection (a) of this section in the same manner as such subsections apply under section 3031 of this title with respect to the running of the 10-year period described in section 3031(a) of this title.

''(2) Section 3031(f) of this title shall apply with respect to the termination of an individual's entitlement to educational assistance under this chapter in the same manner as such section applies to the termination of an individual's entitlement to educational assistance under chapter 30 of this title, except that, in the administration of such section for purposes of this chapter, the reference to section 3013 of this title shall be deemed to be a reference to 3312 of this title.

''(3) For purposes of subsection (a), an individual's last discharge or release from active duty shall not include any discharge or release from a period of active duty of less than 90 days of continuous service, unless the individual is discharged or released as described in section 3311(b)(2) of this title.

''§ 3322. Bar to duplication of educational assistance benefits

''(a) IN GENERAL.—An individual entitled to educational assistance under this chapter who is also eligible for educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 of title 10, or the provisions of the Hostage Relief Act of 1980 (Public Law 96–449; 5 U.S.C. 5561 note) may not receive assistance under two or more such programs concurrently, but shall elect (in such form and manner as the Secretary may prescribe) under which chapter or provisions to receive educational assistance.

''(b) INAPPLICABILITY OF SERVICE TREATED UNDER EDUCATIONAL LOAN REPAYMENT PROGRAMS.—A period of service counted for purposes of repayment of an education loan under chapter 109 of title 10 may not be counted as a period of service for entitlement to educational assistance under this chapter.

''(c) SERVICE IN SELECTED RESERVE.—An individual who serves in the Selected Reserve may receive credit for such service under

only one of this chapter, chapter 30 of this title, and chapters 1606 and 1607 of title 10, and shall elect (in such form and manner as the Secretary may prescribe) under which chapter such service is to be credited.

''(d) ADDITIONAL COORDINATION MATTERS.—In the case of an individual entitled to educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 of title 10, or the provisions of the Hostage Relief Act of 1980, or making contributions toward entitlement to educational assistance under chapter 30 of this title, as of August 1, 2009, coordination of entitlement to educational assistance under this chapter, on the one hand, and such chapters or provisions, on the other, shall be governed by the provisions of section ___03(c) of the Post-9/11 Veterans Educational Assistance Act of 2008.

''§ 3323. Administration

''(a) IN GENERAL.—(1) Except as otherwise provided in this chapter, the provisions specified in section 3034(a)(1) of this title shall apply to the provision of educational assistance under this chapter.

''(2) In applying the provisions referred to in paragraph (1) to an individual entitled to educational assistance under this chapter for purposes of this section, the reference in such provisions to the term 'eligible veteran' shall be deemed to refer to an individual entitled to educational assistance under this chapter.

''(3) In applying section 3474 of this title to an individual entitled to educational assistance under this chapter for purposes of this section, the reference in such section 3474 to the term 'educational assistance allowance' shall be deemed to refer to educational assistance payable under section 3313 of this title.

''(4) In applying section 3482(g) of this title to an individual entitled to educational assistance under this chapter for purposes of this section—

''(A) the first reference to the term 'educational assistance allowance' in such section 3482(g) shall be deemed to refer to educational assistance payable under section 3313 of this title; and

''(B) the first sentence of paragraph (1) of such section 3482(g) shall be applied as if such sentence ended with 'equipment'.

''(b) INFORMATION ON BENEFITS.—(1) The Secretary of Veterans Affairs shall provide the information described in paragraph (2) to each member of the Armed Forces at such times as the Secretary of Veterans Affairs and the Secretary of Defense shall jointly prescribe in regulations.

''(2) The information described in this paragraph is information on benefits, limitations, procedures, eligibility requirements (including time-in-service requirements), and other important aspects of educational assistance under this chapter, including application forms for such assistance under section 5102 of this title.

''(3) The Secretary of Veterans Affairs shall furnish the information and forms described in paragraph (2), and other educational materials on educational assistance under this chapter, to educational institutions, training establishments, military education personnel, and such other persons and entities as the Secretary considers appropriate.

''(c) REGULATIONS.—(1) The Secretary shall prescribe regulations for the administration of this chapter.

''(2) Any regulations prescribed by the Secretary of Defense for purposes of this chapter shall apply uniformly across the Armed Forces.

''§ 3324. Allocation of administration and costs

''(a) ADMINISTRATION.—Except as otherwise provided in this chapter, the Secretary shall administer the provision of educational assistance under this chapter.

''(b) COSTS.—Payments for entitlement to educational assistance earned under this chapter shall be made from funds appropriated to, or otherwise made available to, the Department of Veterans Affairs for the payment of readjustment benefits.''.

(2) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of title 38, United States Code, and at the beginning of part III of such title, are each amended by inserting after the item relating to chapter 32 the following new item:

''33. Post-9/11 Educational Assistance 3301''.

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS RELATING TO DUPLICATION OF BENEFITS.—

(A) Section 3033 of title 38, United States Code, is amended—

(i) in subsection (a)(1), by inserting ''33,'' after ''32,''; and

(ii) in subsection (c), by striking ''both the program established by this chapter and the program established by chapter 106 of title 10'' and inserting ''two or more of the programs established by this chapter, chapter 33 of this title, and chapters 1606 and 1607 of title 10''.

(B) Paragraph (4) of section 3695(a) of such title is amended to read as follows:

''(4) Chapters 30, 32, 33, 34, 35, and 36 of this title.''.

(C) Section 16163(e) of title 10, United States Code, is amended by inserting ''33,'' after ''32,''.

(2) ADDITIONAL CONFORMING AMENDMENTS.—

(A) Title 38, United States Code, is further amended by inserting ''33,'' after ''32,'' each place it appears in the following provisions:

(i) In subsections (b) and (e)(1) of section 3485.

(ii) In section 3688(b).

(iii) In subsections (a)(1), (c)(1), (c)(1)(G), (d), and (e)(2) of section 3689.

(iv) In section 3690(b)(3)(A).

(v) In subsections (a) and (b) of section 3692.

(vi) In section 3697(a).

(B) Section 3697A(b)(1) of such title is amended by striking ''or 32'' and inserting ''32, or 33''.

(c) APPLICABILITY TO INDIVIDUALS UNDER MONTGOMERY GI BILL PROGRAM.—

(1) INDIVIDUALS ELIGIBLE TO ELECT PARTICIPATION IN POST-9/11 EDUCATIONAL ASSISTANCE.—An individual may elect to receive educational assistance under chapter 33 of title 38, United States Code (as added by subsection (a)), if such individual—

(A) as of August 1, 2009—

(i) is entitled to basic educational assistance under chapter 30 of title 38, United States Code, and has used, but retains unused, entitlement under that chapter;

(ii) is entitled to educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, and has used, but retains unused, entitlement under the applicable chapter;

(iii) is entitled to basic educational assistance under chapter 30 of title 38, United States Code, but has not used any entitlement under that chapter;

(iv) is entitled to educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, but has not used any entitlement under such chapter;

(v) is a member of the Armed Forces who is eligible for receipt of basic educational assistance under chapter 30 of title 38, United States Code, and is making contributions toward such assistance under section 3011(b) or 3012(c) of such title; or

(vi) is a member of the Armed Forces who is not entitled to basic educational assistance under chapter 30 of title 38, United States Code, by reason of an election under section 3011(c)(1) or 3012(d)(1) of such title; and

(B) as of the date of the individual's election under this paragraph, meets the requirements for entitlement to educational assistance under chapter 33 of title 38, United States Code (as so added).

(2) CESSATION OF CONTRIBUTIONS TOWARD GI BILL.—Effective as of the first month beginning on or after the date of an election under paragraph (1) of an individual described by subparagraph (A)(v) of that paragraph, the obligation of the individual to make contributions under section 3011(b) or 3012(c) of title 38, United States Code, as applicable, shall cease, and the requirements of such section shall be deemed to be no longer applicable to the individual.

(3) REVOCATION OF REMAINING TRANSFERRED ENTITLEMENT.—

(A) ELECTION TO REVOKE.—If, on the date an individual described in subparagraph (A)(i) or (A)(iii) of paragraph (1) makes an election under that paragraph, a transfer of the entitlement of the individual to basic educational assistance under section 3020 of title 38, United States Code, is in effect and a number of months of the entitlement so transferred remain unutilized, the individual may elect to revoke all or a portion of the entitlement so transferred that remains unutilized.

(B) AVAILABILITY OF REVOKED ENTITLEMENT.—Any entitlement revoked by an individual under this paragraph shall no longer be available to the dependent to whom transferred, but shall be available to the individual instead for educational assistance under chapter 33 of title 38, United States Code (as so added), in accordance with the provisions of this subsection.

(C) AVAILABILITY OF UNREVOKED ENTITLEMENT.—Any entitlement described in subparagraph (A) that is not revoked by an individual in accordance with that subparagraph shall remain available to the dependent or dependents concerned in accordance with the current transfer of such entitlement under section 3020 of title 38, United States Code.

(4) POST-9/11 EDUCATIONAL ASSISTANCE.—

(A) IN GENERAL.—Subject to subparagraph (B) and except as provided in paragraph (5), an individual making an election under paragraph (1) shall be entitled to educational assistance under chapter 33 of title 38, United States Code (as so added), in accordance with the provisions of such chapter, instead of basic educational assistance under chapter 30 of title 38, United States Code, or educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, as applicable.

(B) LIMITATION ON ENTITLEMENT FOR CERTAIN INDIVIDUALS.—In the case of an individual making an election under paragraph (1) who is described by subparagraph (A)(i) of that paragraph, the number of months of entitlement of the individual to educational assistance under chapter 33 of title 38, United States Code (as so added), shall be the number of months equal to—

(i) the number of months of unused entitlement of the individual under chapter 30 of title 38, United States Code, as of the date of the election, plus

(ii) the number of months, if any, of entitlement revoked by the individual under paragraph (3)(A).

(5) CONTINUING ENTITLEMENT TO EDUCATIONAL ASSISTANCE NOT AVAILABLE UNDER 9/11 ASSISTANCE PROGRAM.—

(A) IN GENERAL.—In the event educational assistance to which an individual making an election under paragraph (1) would be entitled under chapter 30 of title 38, United States Code, or chapter 107, 1606, or 1607 of title 10, United States Code, as applicable, is

not authorized to be available to the individual under the provisions of chapter 33 of title 38, United States Code (as so added), the individual shall remain entitled to such educational assistance in accordance with the provisions of the applicable chapter.

(B) CHARGE FOR USE OF ENTITLEMENT.—The utilization by an individual of entitlement under subparagraph (A) shall be chargeable against the entitlement of the individual to educational assistance under chapter 33 of title 38, United States Code (as so added), at the rate of one month of entitlement under such chapter 33 for each month of entitlement utilized by the individual under subparagraph (A) (as determined as if such entitlement were utilized under the provisions of chapter 30 of title 38, United States Code, or chapter 107, 1606, or 1607 of title 10, United States Code, as applicable).

(6) ADDITIONAL POST-9/11 ASSISTANCE FOR MEMBERS HAVING MADE CONTRIBUTIONS TOWARD GI BILL.—

(A) ADDITIONAL ASSISTANCE.—In the case of an individual making an election under paragraph (1) who is described by clause (i), (iii), or (v) of subparagraph (A) of that paragraph, the amount of educational assistance payable to the individual under chapter 33 of title 38, United States Code (as so added), as a monthly stipend payable under paragraph (1)(B) of section 3313(c) of such title (as so added), or under paragraphs (2) through (7) of that section (as applicable), shall be the amount otherwise payable as a monthly stipend under the applicable paragraph increased by the amount equal to—

(i) the total amount of contributions toward basic educational assistance made by the individual under section 3011(b) or 3012(c) of title 38, United States Code, as of the date of the election, multiplied by

(ii) the fraction—

(I) the numerator of which is—

(aa) the number of months of entitlement to basic educational assistance under chapter 30 of title 38, United States Code, remaining to the individual at the time of the election; plus

(bb) the number of months, if any, of entitlement under such chapter 30 revoked by the individual under paragraph (3)(A); and

(II) the denominator of which is 36 months.

(B) MONTHS OF REMAINING ENTITLEMENT FOR CERTAIN INDIVIDUALS.—In the case of an individual covered by subparagraph (A) who is described by paragraph (1)(A)(v), the number of months of entitlement to basic educational assistance remaining to the individual for purposes of subparagraph (A)(ii)(I)(aa) shall be 36 months.

(C) TIMING OF PAYMENT.—The amount payable with respect to an individual under subparagraph (A) shall be paid to the individual together with the last payment of the monthly stipend payable to the individual under paragraph (1)(B) of section 3313(c) of title 38, United States Code (as so added), or under paragraphs (2) through (7) of that section (as applicable), before the exhaustion of the individual's entitlement to educational assistance under chapter 33 of such title (as so added).

(7) CONTINUING ENTITLEMENT TO ADDITIONAL ASSISTANCE FOR CRITICAL SKILLS OR SPECIALITY AND ADDITIONAL SERVICE.—An individual making an election under paragraph (1)(A) who, at the time of the election, is entitled to increased educational assistance under section 3015(d) of title 38, United States Code, or section 16131(i) of title 10, United States Code, or supplemental educational assistance under subchapter III of chapter 30 of title 38, United States Code, shall remain entitled to such increased educational assistance or supplemental educational assistance in the utilization of entitlement to educational assistance under chapter 33 of title 38, United States Code (as so added), in an amount equal to the quarter, semester, or term, as applicable, equivalent of the monthly amount of such increased educational assistance or supplemental educational assistance payable with respect to the individual at the time of the election.

(8) IRREVOCABILITY OF ELECTIONS.—An election under paragraph (1) or (3)(A) is irrevocable.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on August 1, 2009.

SEC. 4004. INCREASE IN AMOUNTS OF BASIC EDUCATIONAL ASSISTANCE UNDER THE MONTGOMERY GI BILL.

(a) EDUCATIONAL ASSISTANCE BASED ON THREE-YEAR PERIOD OF OBLIGATED SERVICE.—Subsection (a)(1) of section 3015 of title 38, United States Code, is amended—

(1) by striking subparagraphs (A) through (C) and inserting the following new subparagraph:

''(A) for months occurring during the period beginning on August 1, 2008, and ending on the last day of fiscal year 2009, $1,321; and''; and

(2) by redesignating subparagraph (D) as subparagraph (B).

(b) EDUCATIONAL ASSISTANCE BASED ON TWO-YEAR PERIOD OF OBLIGATED SERVICE.—Subsection (b)(1) of such section is amended—

(1) by striking subparagraphs (A) through (C) and inserting the following new subparagraph:

''(A) for months occurring during the period beginning on August 1, 2008, and ending on the last day of fiscal year 2009, $1,073; and''; and

(2) by redesignating subparagraph (D) as subparagraph (B).

(c) MODIFICATION OF MECHANISM FOR COST-OF-LIVING ADJUSTMENTS.—Subsection (h)(1) of such section is amended by striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

''(A) the average cost of undergraduate tuition in the United States, as determined by the National Center for Education Statistics, for the last academic year preceding the beginning of the fiscal year for which the increase is made, exceeds

''(B) the average cost of undergraduate tuition in the United States, as so determined, for the academic year preceding the academic year described in subparagraph (A).''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on August 1, 2008.

(2) NO COST-OF-LIVING ADJUSTMENT FOR FISCAL YEAR 2009.—The adjustment required by subsection (h) of section 3015 of title 38, United States Code (as amended by this section), in rates of basic educational assistance payable under subsections (a) and (b) of such section (as so amended) shall not be made for fiscal year 2009.

SEC. 4005. MODIFICATION OF AMOUNT AVAILABLE FOR REIMBURSEMENT OF STATE AND LOCAL AGENCIES ADMINISTERING VETERANS EDUCATION BENEFITS.

Section 3674(a)(4) of title 38, United States Code, is amended by striking ''may not exceed'' and all that follows through the end and inserting ''shall be $19,000,000.''.

TITLE V—EMERGENCY UNEMPLOYMENT COMPENSATION

FEDERAL-STATE AGREEMENTS

SEC. 5001. (a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this title with the Secretary of Labor (in this title referred to as the ''Secretary''). Any State which is a party to an agreement under this title may, upon providing 30 days written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of emergency unemployment compensation to individuals who—

(1) have exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year (excluding any benefit year that ended before May 1, 2007);

(2) have no rights to regular compensation or extended compensation with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law (except as provided under subsection (e)); and

(3) are not receiving compensation with respect to such week under the unemployment compensation law of Canada.

(c) EXHAUSTION OF BENEFITS.—For purposes of subsection (b)(1), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to such individual based on employment or wages during such individual's base period; or

(2) such individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(d) WEEKLY BENEFIT AMOUNT, ETC.—For purposes of any agreement under this title—

(1) the amount of emergency unemployment compensation which shall be payable to any individual for any week of total unemployment shall be equal to the amount of the regular compensation (including dependents' allowances) payable to such individual during such individual's benefit year under the State law for a week of total unemployment;

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall apply to claims for emergency unemployment compensation and the payment thereof, except where otherwise inconsistent with the provisions of this title or with the regulations or operating instructions of the Secretary promulgated to carry out this title; and

(3) the maximum amount of emergency unemployment compensation payable to any individual for whom an emergency unemployment compensation account is established under section 5002 shall not exceed the amount established in such account for such individual.

(e) ELECTION BY STATES.—Notwithstanding any other provision of Federal law (and if State law permits), the Governor of a State that is in an extended benefit period may provide for the payment of emergency unemployment compensation prior to extended compensation to individuals who otherwise meet the requirements of this section.

EMERGENCY UNEMPLOYMENT COMPENSATION ACCOUNT

SEC. 5002. (a) IN GENERAL.—Any agreement under this title shall provide that the State will establish, for each eligible individual who files an application for emergency unemployment compensation, an emergency unemployment compensation account with respect to such individual's benefit year.

(b) AMOUNT IN ACCOUNT.—

(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to the lesser of—

(A) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under such law, or

(B) 13 times the individual's average weekly benefit amount for the benefit year.

(2) WEEKLY BENEFIT AMOUNT.—For purposes of this subsection, an individual's weekly benefit amount for any week is the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for such week for total unemployment.

(c) SPECIAL RULE.—

(1) IN GENERAL.—Notwithstanding any other provision of this section, if, at the time that the individual's account is exhausted or at any time thereafter, such individual's State is in an extended benefit period (as determined under paragraph (2)), then, such account shall be augmented by an amount equal to the amount originally established in such account (as determined under subsection (b)(1)).

(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period, as of any given time, if—

(A) such a period is then in effect for such State under the Federal-State Extended Unemployment Compensation Act of 1970;

(B) such a period would then be in effect for such State under such Act if section 203(d) of such Act—

(i) were applied by substituting ''4'' for ''5'' each place it appears; and

(ii) did not include the requirement under paragraph (1)(A); or

(C) such a period would then be in effect for such State under such Act if—

(i) section 203(f) of such Act were applied to such State (regardless of whether the State by law had provided for such application); and

(ii) such section 203(f)—

(I) were applied by substituting ''6.0'' for ''6.5'' in paragraph (1)(A)(i); and

(II) did not include the requirement under paragraph (1)(A)(ii).

PAYMENTS TO STATES HAVING AGREEMENTS FOR THE PAYMENT OF EMERGENCY UNEMPLOYMENT COMPENSATION

SEC. 5003. (a) GENERAL RULE.—There shall be paid to each State that has entered into an agreement under this title an amount equal to 100 percent of the emergency unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) TREATMENT OF REIMBURSABLE COMPENSATION.—No payment shall be made to any State under this section in respect of any compensation to the extent the State is entitled to reimbursement in respect of such compensation under the provisions of any Federal law other than this title or chapter 85 of title 5, United States Code. A State shall not be entitled to any reimbursement under such chapter 85 in respect of any compensation to the extent the State is entitled to reimbursement under this title in respect of such compensation.

(c) DETERMINATION OF AMOUNT.—Sums payable to any State by reason of such State having an agreement under this title shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this title for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

FINANCING PROVISIONS

SEC. 5004. (a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Security Act (42 U.S.C. 1105(a)) of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1104(a)) shall be used for the making of payments to States having agreements entered into under this title.

(b) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this title. The Secretary of the Treasury, prior to audit or settlement by the Government Accountability Office, shall make payments to the State in accordance with such certification, by transfers from the extended unemployment compensation account (as so established) to the account of such State in the Unemployment Trust Fund (as so established).

(c) ASSISTANCE TO STATES.—There are appropriated out of the employment security administration account (as established by section 901(a) of the Social Security Act (42 U.S.C. 1101(a)) of the Unemployment Trust Fund, without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act (42 U.S.C. 501 et seq.)) in meeting the costs of administration of agreements under this title.

(d) APPROPRIATIONS FOR CERTAIN PAYMENTS.—There are appropriated from the general fund of the Treasury, without fiscal year limitation, to the extended unemployment compensation account (as so established) of the Unemployment Trust Fund (as so established) such sums as the Secretary estimates to be necessary to make the payments under this section in respect of—

(1) compensation payable under chapter 85 of title 5, United States Code; and

(2) compensation payable on the basis of services to which section 3309(a)(1) of the Internal Revenue Code of 1986 applies.

Amounts appropriated pursuant to the preceding sentence shall not be required to be repaid.

FRAUD AND OVERPAYMENTS

SEC. 5005. (a) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of emergency unemployment compensation under this title to which such individual was not entitled, such individual—

(1) shall be ineligible for further emergency unemployment compensation under this title in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) REPAYMENT.—In the case of individuals who have received amounts of emergency unemployment compensation under this title to which they were not entitled, the State shall require such individuals to repay the amounts of such emergency unemployment compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such emergency unemployment compensation was without fault on the part of any such individual; and

(2) such repayment would be contrary to equity and good conscience.

(c) RECOVERY BY STATE AGENCY.—

(1) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any emergency unemployment compensation payable to such individual under this title or from any unemployment compensation payable to such individual under any State or Federal unemployment compensation law administered by the State agency or under any other State or Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the emergency unemployment compensation to which they were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) REVIEW.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

DEFINITIONS

SEC. 5006. In this title, the terms ''compensation'', ''regular compensation'', ''extended compensation'', ''benefit year'', ''base period'', ''State'', ''State agency'', ''State law'', and ''week'' have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

APPLICABILITY

SEC. 5007. (a) IN GENERAL.—Except as provided in subsection (b), an agreement entered into under this title shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

(2) ending on or before March 31, 2009.

(b) TRANSITION FOR AMOUNT REMAINING IN ACCOUNT.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), in the case of an individual who has amounts remaining in an account established under section 5002 as of the last day of the last week (as determined in accordance with the applicable State law) ending on or before March 31, 2009, emergency unemployment compensation shall continue to be payable to such individual from such amounts for any week beginning after such last day for which the individual meets the eligibility requirements of this title.

(2) LIMIT ON AUGMENTATION.—If the account of an individual is exhausted after the last day of such last week (as so determined), then section 5002(c) shall not apply and such account shall not be augmented under such section, regardless of whether such individual's State is in an extended benefit period (as determined under paragraph (2) of such section).

(3) LIMIT ON COMPENSATION.—No compensation shall be payable by reason of paragraph (1) for any week beginning after June 30, 2009.

TITLE VI—OTHER HEALTH MATTERS

SEC. 6001. (a) MORATORIA ON CERTAIN MEDICAID REGULATIONS.—

(1) EXTENSION OF CERTAIN MORATORIA IN PUBLIC LAW 110–28.—Section 7002(a)(1) of the

U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28) is amended—

(A) by striking ''prior to the date that is 1 year after the date of enactment of this Act'' and inserting ''prior to April 1, 2009'';

(B) in subparagraph (A), by inserting after ''Federal Regulations)'' the following: ''or in the final regulation, relating to such parts, published on May 29, 2007 (72 Federal Register 29748)''; and

(C) in subparagraph (C), by inserting before the period at the end the following: '', including the proposed regulation published on May 23, 2007 (72 Federal Register 28930)''.

(2) EXTENSION OF CERTAIN MORATORIA IN PUBLIC LAW 110–173.—Section 206 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173) is amended—

(A) by striking ''June 30, 2008'' and inserting ''April 1, 2009'';

(B) by inserting '', including the proposed regulation published on August 13, 2007 (72 Federal Register 45201),'' after ''rehabilitation services''; and

(C) by inserting '', including the final regulation published on December 28, 2007 (72 Federal Register 73635),'' after ''school-based transportation''.

(3) MORATORIUM ON INTERIM FINAL MEDICAID REGULATION RELATING TO OPTIONAL CASE MANAGEMENT AND TARGETED CASE MANAGEMENT SERVICES.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to April 1, 2009, finalize, implement, enforce, or otherwise take any action (through promulgation of regulation, issuance of regulatory guidance, use of Federal payment audit procedures, or other administrative action, policy, or practice, including a Medical Assistance Manual transmittal or letter to State Medicaid directors) to impose any restrictions relating to the interim final regulation relating to optional State plan case management services and targeted case management services under the Medicaid program published on December 4, 2007 (72 Federal Register 68077) in its entirety.

(4) ADDITIONAL MORATORIA.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to April 1, 2009, take any action (through promulgation of regulation, issuance of regulatory guidance, use of Federal payment audit procedures, or other administrative action, policy, or practice, including a Medical Assistance Manual transmittal or letter to State Medicaid directors) to impose any restrictions relating to a provision described in subparagraph (B) or (C) if such restrictions are more restrictive in any aspect than those applied to the respective provision as of the date specified in subparagraph (D) for such provision.

(B) PROPOSED REGULATION RELATING TO REDEFINITION OF MEDICAID OUTPATIENT HOSPITAL SERVICES.—The provision described in this subparagraph is the proposed regulation relating to clarification of outpatient clinic and hospital facility services definition and upper payment limit under the Medicaid program published on September 28, 2007 (72 Federal Register 55158) in its entirety.

(C) PORTION OF PROPOSED REGULATION RELATING TO MEDICAID ALLOWABLE PROVIDER TAXES.—

(i) IN GENERAL.—Subject to clause (ii), the provision described in this subparagraph is the final regulation relating to health-care-related taxes under the Medicaid program published on February 22, 2008 (73 Federal Register 9685) in its entirety.

(ii) EXCEPTION.—The provision described in this subparagraph does not include the portions of such regulation as relate to the following:

(I) REDUCTION IN THRESHOLD.—The reduction from 6 percent to 5.5 percent in the threshold applied under section 433.68(f)(3)(i) of title 42, Code of Federal Regulations, for determining whether or not there is an indirect guarantee to hold a taxpayer harmless, as required to carry out section 1903(w)(4)(C)(ii) of the Social Security Act, as added by section 403 of the Medicare Improvement and Extension Act of 2006 (division B of Public Law 109–432).

(II) CHANGE IN DEFINITION OF MANAGED CARE.—The change in the definition of managed care as proposed in the revision of section 433.56(a)(8) of title 42, Code of Federal Regulations, as required to carry out section 1903(w)(7)(A)(viii) of the Social Security Act, as amended by section 6051 of the Deficit Reduction Act of 2005 (Public Law 109–171).

(D) DATE SPECIFIED.—The date specified in this subparagraph for the provision described in—

(i) subparagraph (B) is September 27, 2007; or

(ii) subparagraph (C) is February 21, 2008.

(b) RESTORATION OF ACCESS TO NOMINAL DRUG PRICING FOR CERTAIN CLINICS AND HEALTH CENTERS.—

(1) IN GENERAL.—Section 1927(c)(1)(D) of the Social Security Act (42 U.S.C. §1396r–8(c)(1)(D)), as added by section 6001(d)(2) of the Deficit Reduction Act of 2005 (Public Law 109–171), is amended—

(A) in clause (i)—

(i) by redesignating subclause (IV) as subclause (VI); and

(ii) by inserting after subclause (III) the following:

''(IV) An entity that—

''(aa) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Act or is State-owned or operated; and

''(bb) would be a covered entity described in section 340(B)(a)(4) of the Public Health Service Act insofar as the entity provides the same type of services to the same type of populations as a covered entity described in such section provides, but does not receive funding under a provision of law referred to in such section.

''(V) A public or nonprofit entity, or an entity based at an institution of higher learning whose primary purpose is to provide health care services to students of that institution, that provides a service or services described under section 1001(a) of the Public Health Service Act.''; and

(B) by adding at the end the following new clause:

''(iv) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed to alter any existing statutory or regulatory prohibition on services with respect to an entity described in subclause (IV) or (V) of clause (i), including the prohibition set forth in section 1008 of the Public Health Service Act.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the amendment made by section 6001(d)(2) of the Deficit Reduction Act of 2005.

(c) ASSET VERIFICATION THROUGH ACCESS TO INFORMATION HELD BY FINANCIAL INSTITUTIONS.—

(1) ADDITION OF AUTHORITY.—Title XIX of the Social Security Act is amended by inserting after section 1939 the following new section:

''ASSET VERIFICATION THROUGH ACCESS TO INFORMATION HELD BY FINANCIAL INSTITUTIONS

''SEC. 1940. (a) IMPLEMENTATION.—

''(1) IN GENERAL.—Subject to the provisions of this section, each State shall implement an asset verification program described in subsection (b), for purposes of determining or redetermining the eligibility of an individual for medical assistance under the State plan under this title.

''(2) PLAN SUBMITTAL.—In order to meet the requirement of paragraph (1), each State shall—

''(A) submit not later than a deadline specified by the Secretary consistent with paragraph (3), a State plan amendment under this title that describes how the State intends to implement the asset verification program; and

''(B) provide for implementation of such program for eligibility determinations and redeterminations made on or after 6 months after the deadline established for submittal of such plan amendment.

''(3) PHASE-IN.—

''(A) IN GENERAL.—

''(i) IMPLEMENTATION IN CURRENT ASSET VERIFICATION DEMO STATES.—The Secretary shall require those States specified in subparagraph (C) (to which an asset verification program has been applied before the date of the enactment of this section) to implement an asset verification program under this subsection by the end of fiscal year 2009.

''(ii) IMPLEMENTATION IN OTHER STATES.—The Secretary shall require other States to submit and implement an asset verification program under this subsection in such manner as is designed to result in the application of such programs, in the aggregate for all such other States, to enrollment of approximately, but not less than, the following percentage of enrollees, in the aggregate for all such other States, by the end of the fiscal year involved:

''(I) 12.5 percent by the end of fiscal year 2009.

''(II) 25 percent by the end of fiscal year 2010.

''(III) 50 percent by the end of fiscal year 2011.

''(IV) 75 percent by the end of fiscal year 2012.

''(V) 100 percent by the end of fiscal year 2013.

''(B) CONSIDERATION.—In selecting States under subparagraph (A)(ii), the Secretary shall consult with the States involved and take into account the feasibility of implementing asset verification programs in each such State.

''(C) STATES SPECIFIED.—The States specified in this subparagraph are California, New York, and New Jersey.

''(D) CONSTRUCTION.—Nothing in subparagraph (A)(ii) shall be construed as preventing a State from requesting, and the Secretary approving, the implementation of an asset verification program in advance of the deadline otherwise established under such subparagraph.

''(4) EXEMPTION OF TERRITORIES.—This section shall only apply to the 50 States and the District of Columbia.

''(b) ASSET VERIFICATION PROGRAM.—

''(1) IN GENERAL.—For purposes of this section, an asset verification program means a program described in paragraph (2) under which a State—

''(A) requires each applicant for, or recipient of, medical assistance under the State plan under this title on the basis of being aged, blind, or disabled to provide authorization by such applicant or recipient (and any other person whose resources are required by law to be disclosed to determine the eligibility of the applicant or recipient for such assistance) for the State to obtain (subject to the cost reimbursement requirements of section 1115(a) of the Right to Financial Privacy Act of 1978 but at no cost to the applicant or recipient) from any financial institution (within the meaning of section 1101(1) of such Act) any financial record (within the

meaning of section 1101(2) of such Act) held by the institution with respect to the applicant or recipient (and such other person, as applicable), whenever the State determines the record is needed in connection with a determination with respect to such eligibility for (or the amount or extent of) such medical assistance; and

''(B) uses the authorization provided under subparagraph (A) to verify the financial resources of such applicant or recipient (and such other person, as applicable), in order to determine or redetermine the eligibility of such applicant or recipient for medical assistance under the State plan.

''(2) PROGRAM DESCRIBED.—A program described in this paragraph is a program for verifying individual assets in a manner consistent with the approach used by the Commissioner of Social Security under section 1631(e)(1)(B)(ii).

''(c) DURATION OF AUTHORIZATION.—Notwithstanding section 1104(a)(1) of the Right to Financial Privacy Act of 1978, an authorization provided to a State under subsection (b)(1)(A) shall remain effective until the earliest of—

''(1) the rendering of a final adverse decision on the applicant's application for medical assistance under the State's plan under this title;

''(2) the cessation of the recipient's eligibility for such medical assistance; or

''(3) the express revocation by the applicant or recipient (or such other person described in subsection (b)(1)(A), as applicable) of the authorization, in a written notification to the State.

''(d) TREATMENT OF RIGHT TO FINANCIAL PRIVACY ACT REQUIREMENTS.—

''(1) An authorization obtained by the State under subsection (b)(1) shall be considered to meet the requirements of the Right to Financial Privacy Act of 1978 for purposes of section 1103(a) of such Act, and need not be furnished to the financial institution, notwithstanding section 1104(a) of such Act.

''(2) The certification requirements of section 1103(b) of the Right to Financial Privacy Act of 1978 shall not apply to requests by the State pursuant to an authorization provided under subsection (b)(1).

''(3) A request by the State pursuant to an authorization provided under subsection (b)(1) is deemed to meet the requirements of section 1104(a)(3) of the Right to Financial Privacy Act of 1978 and of section 1102 of such Act, relating to a reasonable description of financial records.

''(e) REQUIRED DISCLOSURE.—The State shall inform any person who provides authorization pursuant to subsection (b)(1)(A) of the duration and scope of the authorization.

''(f) REFUSAL OR REVOCATION OF AUTHORIZATION.—If an applicant for, or recipient of, medical assistance under the State plan under this title (or such other person described in subsection (b)(1)(A), as applicable) refuses to provide, or revokes, any authorization made by the applicant or recipient (or such other person, as applicable) under subsection (b)(1)(A) for the State to obtain from any financial institution any financial record, the State may, on that basis, determine that the applicant or recipient is ineligible for medical assistance.

''(g) USE OF CONTRACTOR.—For purposes of implementing an asset verification program under this section, a State may select and enter into a contract with a public or private entity meeting such criteria and qualifications as the State determines appropriate, consistent with requirements in regulations relating to general contracting provisions and with section 1903(i)(2). In carrying out activities under such contract, such an entity shall be subject to the same requirements and limitations on use and disclosure of information as would apply if the State were to carry out such activities directly.

''(h) TECHNICAL ASSISTANCE.—The Secretary shall provide States with technical assistance to aid in implementation of an asset verification program under this section.

''(i) REPORTS.—A State implementing an asset verification program under this section shall furnish to the Secretary such reports concerning the program, at such times, in such format, and containing such information as the Secretary determines appropriate.

''(j) TREATMENT OF PROGRAM EXPENSES.—Notwithstanding any other provision of law, reasonable expenses of States in carrying out the program under this section shall be treated, for purposes of section 1903(a), in the same manner as State expenditures specified in paragraph (7) of such section.''.

(2) STATE PLAN REQUIREMENTS.—Section 1902(a) of such Act (42 U.S.C. 1396a(a)) is amended—

(A) in paragraph (69) by striking ''and'' at the end;

(B) in paragraph (70) by striking the period at the end and inserting ''; and''; and

(C) by inserting after paragraph (70), as so amended, the following new paragraph:

''(71) provide that the State will implement an asset verification program as required under section 1940.''.

(3) WITHHOLDING OF FEDERAL MATCHING PAYMENTS FOR NONCOMPLIANT STATES.—Section 1903(i) of such Act (42 U.S.C. 1396b(i)) is amended—

(A) in paragraph (22) by striking ''or'' at the end;

(B) in paragraph (23) by striking the period at the end and inserting ''; or''; and

(C) by adding after paragraph (23) the following new paragraph:

''(24) if a State is required to implement an asset verification program under section 1940 and fails to implement such program in accordance with such section, with respect to amounts expended by such State for medical assistance for individuals subject to asset verification under such section, unless—

''(A) the State demonstrates to the Secretary's satisfaction that the State made a good faith effort to comply;

''(B) not later than 60 days after the date of a finding that the State is in noncompliance, the State submits to the Secretary (and the Secretary approves) a corrective action plan to remedy such noncompliance; and

''(C) not later than 12 months after the date of such submission (and approval), the State fulfills the terms of such corrective action plan.''.

(4) REPEAL.—Section 4 of Public Law 110–90 is repealed.

SEC. 6002. LIMITATION ON MEDICARE EXCEPTION TO THE PROHIBITION ON CERTAIN PHYSICIAN REFERRALS FOR HOSPITALS.—

(a) IN GENERAL.—Section 1877 of the Social Security Act (42 U.S.C. 1395nn) is amended—

(1) in subsection (d)(2)—

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

(B) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(C) in the case where the entity is a hospital, the hospital meets the requirements of paragraph (3)(D).'';

(2) in subsection (d)(3)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(D) the hospital meets the requirements described in subsection (i)(1) not later than 18 months after the date of the enactment of this subparagraph.''; and

(3) by adding at the end the following new subsection:

''(i) REQUIREMENTS FOR HOSPITALS TO QUALIFY FOR HOSPITAL EXCEPTION TO OWNERSHIP OR INVESTMENT PROHIBITION.—

''(1) REQUIREMENTS DESCRIBED.—For purposes of subsection (d)(3)(D), the requirements described in this paragraph for a hospital are as follows:

''(A) PROVIDER AGREEMENT.—The hospital had—

''(i) physician ownership on September 1, 2008; and

''(ii) a provider agreement under section 1866 in effect on such date.

''(B) LIMITATION ON EXPANSION OF FACILITY CAPACITY.—Except as provided in paragraph (3), the number of operating rooms, procedure rooms, and beds of the hospital at any time on or after the date of the enactment of this subsection are no greater than the number of operating rooms, procedure rooms, and beds as of such date.

''(C) PREVENTING CONFLICTS OF INTEREST.—

''(i) The hospital submits to the Secretary an annual report containing a detailed description of—

''(I) the identity of each physician owner and any other owners of the hospital; and

''(II) the nature and extent of all ownership interests in the hospital.

''(ii) The hospital has procedures in place to require that any referring physician owner discloses to the patient being referred, by a time that permits the patient to make a meaningful decision regarding the receipt of care, as determined by the Secretary—

''(I) the ownership interest of such referring physician in the hospital; and

''(II) if applicable, any such ownership interest of the treating physician.

''(iii) The hospital does not condition any physician ownership interests either directly or indirectly on the physician owner making or influencing referrals to the hospital or otherwise generating business for the hospital.

''(iv) The hospital discloses the fact that the hospital is partially owned by physicians—

''(I) on any public website for the hospital; and

''(II) in any public advertising for the hospital.

''(D) ENSURING BONA FIDE INVESTMENT.—

''(i) Physician owners in the aggregate do not own more than the greater of—

''(I) 40 percent of the total value of the investment interests held in the hospital or in an entity whose assets include the hospital; or

''(II) the percentage of such total value determined on the date of enactment of this subsection.

''(ii) Any ownership or investment interests that the hospital offers to a physician owner are not offered on more favorable terms than the terms offered to a person who is not a physician owner.

''(iii) The hospital (or any investors in the hospital) does not directly or indirectly provide loans or financing for any physician owner investments in the hospital.

''(iv) The hospital (or any investors in the hospital) does not directly or indirectly guarantee a loan, make a payment toward a loan, or otherwise subsidize a loan, for any individual physician owner or group of physician owners that is related to acquiring any ownership interest in the hospital.

''(v) Investment returns are distributed to each investor in the hospital in an amount that is directly proportional to the ownership interest of such investor in the hospital.

''(vi) Physician owners do not receive, directly or indirectly, any guaranteed receipt

of or right to purchase other business interests related to the hospital, including the purchase or lease of any property under the control of other investors in the hospital or located near the premises of the hospital.

''(vii) The hospital does not offer a physician owner the opportunity to purchase or lease any property under the control of the hospital or any other investor in the hospital on more favorable terms than the terms offered to an individual who is not a physician owner.

''(E) PATIENT SAFETY.—

''(i) Insofar as the hospital admits a patient and does not have any physician available on the premises to provide services during all hours in which the hospital is providing services to such patient, before admitting the patient—

''(I) the hospital discloses such fact to a patient; and

''(II) following such disclosure, the hospital receives from the patient a signed acknowledgment that the patient understands such fact.

''(ii) The hospital has the capacity to—

''(I) provide assessment and initial treatment for patients; and

''(II) refer and transfer patients to hospitals with the capability to treat the needs of the patient involved.

''(F) LIMITATION ON APPLICATION TO CERTAIN CONVERTED FACILITIES.—The hospital was not converted from an ambulatory surgical center to a hospital on or after the date of enactment of this subsection.

''(2) PUBLICATION OF INFORMATION REPORTED.—The Secretary shall publish, and update on an annual basis, the information submitted by hospitals under paragraph (1)(C)(i) on the public Internet website of the Centers for Medicare & Medicaid Services.

''(3) EXCEPTION TO PROHIBITION ON EXPANSION OF FACILITY CAPACITY.—

''(A) PROCESS.—

''(i) ESTABLISHMENT.—The Secretary shall establish and implement a process under which an applicable hospital (as defined in subparagraph (E)) may apply for an exception from the requirement under paragraph (1)(B).

''(ii) OPPORTUNITY FOR COMMUNITY INPUT.—The process under clause (i) shall provide individuals and entities in the community that the applicable hospital applying for an exception is located with the opportunity to provide input with respect to the application.

''(iii) TIMING FOR IMPLEMENTATION.—The Secretary shall implement the process under clause (i) on November 1, 2009.

''(iv) REGULATIONS.—Not later than November 1, 2009, the Secretary shall promulgate regulations to carry out the process under clause (i).

''(B) FREQUENCY.—The process described in subparagraph (A) shall permit an applicable hospital to apply for an exception up to once every 2 years.

''(C) PERMITTED INCREASE.—

''(i) IN GENERAL.—Subject to clause (ii) and subparagraph (D), an applicable hospital granted an exception under the process described in subparagraph (A) may increase the number of operating rooms, procedure rooms, and beds of the applicable hospital above the baseline number of operating rooms, procedure rooms, and beds of the applicable hospital (or, if the applicable hospital has been granted a previous exception under this paragraph, above the number of operating rooms, procedure rooms, and beds of the hospital after the application of the most recent increase under such an exception).

''(ii) LIFETIME 100 PERCENT INCREASE LIMITATION.—The Secretary shall not permit an increase in the number of operating rooms, procedure rooms, and beds of an applicable hospital under clause (i) to the extent such increase would result in the number of operating rooms, procedure rooms, and beds of the applicable hospital exceeding 200 percent of the baseline number of operating rooms, procedure rooms, and beds of the applicable hospital.

''(iii) BASELINE NUMBER OF OPERATING ROOMS, PROCEDURE ROOMS, AND BEDS.—In this paragraph, the term 'baseline number of operating rooms, procedure rooms, and beds' means the number of operating rooms, procedure rooms, and beds of the applicable hospital as of the date of enactment of this subsection.

''(D) INCREASE LIMITED TO FACILITIES ON THE MAIN CAMPUS OF THE HOSPITAL.—Any increase in the number of operating rooms, procedure rooms, and beds of an applicable hospital pursuant to this paragraph may only occur in facilities on the main campus of the applicable hospital.

''(E) APPLICABLE HOSPITAL.—In this paragraph, the term ''applicable hospital'' means a hospital—

''(i) that is located in a county in which the percentage increase in the population during the most recent 5-year period (as of the date of the application under subparagraph (A)) is at least 150 percent of the percentage increase in the population growth of the State in which the hospital is located during that period, as estimated by Bureau of the Census;

''(ii) whose annual percent of total inpatient admissions that represent inpatient admissions under the program under title XIX is equal to or greater than the average percent with respect to such admissions for all hospitals located in the county in which the hospital is located;

''(iii) that does not discriminate against beneficiaries of Federal health care programs and does not permit physicians practicing at the hospital to discriminate against such beneficiaries;

''(iv) that is located in a State in which the average bed capacity in the State is less than the national average bed capacity; and

''(v) that has an average bed occupancy rate that is greater than the average bed occupancy rate in the State in which the hospital is located.

''(F) PROCEDURE ROOMS.—In this subsection, the term 'procedure rooms' includes rooms in which catheterizations, angiographies, angiograms, and endoscopies are performed, except such term shall not include emergency rooms or departments (exclusive of rooms in which catheterizations, angiographies, angiograms, and endoscopies are performed).

''(G) PUBLICATION OF FINAL DECISIONS.—Not later than 60 days after receiving a complete application under this paragraph, the Secretary shall publish in the Federal Register the final decision with respect to such application.

''(H) LIMITATION ON REVIEW.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise of the process under this paragraph (including the establishment of such process).

''(4) COLLECTION OF OWNERSHIP AND INVESTMENT INFORMATION.—For purposes of subparagraphs (A)(i) and (D)(i) of paragraph (1), the Secretary shall collect physician ownership and investment information for each hospital.

''(5) PHYSICIAN OWNER DEFINED.—For purposes of this subsection, the term 'physician owner' means a physician (or an immediate family member of such physician) with a direct or an indirect ownership interest in the hospital.''.

(b) ENFORCEMENT.—

(1) ENSURING COMPLIANCE.—The Secretary of Health and Human Services shall establish policies and procedures to ensure compliance with the requirements described in subsection (i)(1) of section 1877 of the Social Security Act, as added by subsection (a)(3), beginning on the date such requirements first apply. Such policies and procedures may include unannounced site reviews of hospitals.

(2) AUDITS.—Beginning not later than January 1, 2010, the Secretary of Health and Human Services shall conduct audits to determine if hospitals violate the requirements referred to in paragraph (1).

SEC. 6003. Medicare Improvement Fund.—

Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new section:

''MEDICARE IMPROVEMENT FUND

''SEC. 1898. (a) ESTABLISHMENT.—The Secretary shall establish under this title a Medicare Improvement Fund (in this section referred to as the 'Fund') which shall be available to the Secretary to make improvements under the original fee-for-service program under parts A and B for individuals entitled to, or enrolled for, benefits under part A or enrolled under part B.

''(b) FUNDING.—

''(1) IN GENERAL.—There shall be available to the Fund, for expenditures from the Fund for services furnished during fiscal year 2014, $3,340,000,000.

''(2) PAYMENT FROM TRUST FUNDS.—The amount specified under paragraph (1) shall be available to the Fund, as expenditures are made from the Fund, from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund in such proportion as the Secretary determines appropriate.

''(3) FUNDING LIMITATION.—Amounts in the Fund shall be available in advance of appropriations but only if the total amount obligated from the Fund does not exceed the amount available to the Fund under paragraph (1). The Secretary may obligate funds from the Fund only if the Secretary determines (and the Chief Actuary of the Centers for Medicare & Medicaid Services and the appropriate budget officer certify) that there are available in the Fund sufficient amounts to cover all such obligations incurred consistent with the previous sentence.''.

SEC. 6004. MORATORIUM ON AUGUST 17, 2007 CMS DIRECTIVE. Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to April 1, 2009, finalize, implement, enforce, or otherwise take any action to give effect to any or all components of the State Health Official Letter 07–001, dated August 17, 2007, issued by the Director of the Center for Medicaid and State Operations in the Centers for Medicare & Medicaid Services regarding certain requirements under the State Children's Health Insurance Program (CHIP) relating to the prevention of the substitution of health benefits coverage for children (commonly referred to as ''crowd-out'') and the enforcement of medical support orders (or to any similar administrative actions that reflect the same or similar policies set forth in such letter). Any change made on or after August 17, 2007, to a Medicaid or CHIP State plan or waiver to implement, conform to, or otherwise adhere to the requirements or policies in such letter shall not apply prior to April 1, 2009.

SEC. 6005. ADJUSTMENT TO PAQI FUND. Section 1848(l)(2) of the Social Security Act (42 U.S.C. 1395w–4(l)(2)), as amended by section 101(a)(2) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), is amended—

(1) in subparagraph (A)(i)—

(A) in subclause (III), by striking ''$4,960,000,000'' and inserting ''$3,940,000,000''; and

(B) by adding at the end the following new subclause:

''(IV) For expenditures during 2014, an amount equal to $3,750,000,000.'';

(2) in subparagraph (A)(ii), by adding at the end the following new subclause:

''(IV) 2014.—The amount available for expenditures during 2014 shall only be available for an adjustment to the update of the conversion factor under subsection (d) for that year.''; and

(3) in subparagraph (B)—

(A) in clause (ii), by striking ''and'' at the end;

(B) in clause (iii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new clause:

''(iv) 2014 for payment with respect to physicians' services furnished during 2014.''.

TITLE VII—ACCOUNTABILITY AND COMPETITION IN GOVERNMENT CONTRACTING

CHAPTER 1—CLOSE THE CONTRACTOR FRAUD LOOPHOLE

SHORT TITLE

SEC. 7101. This chapter may be cited as the ''Close the Contractor Fraud Loophole Act''.

REVISION OF THE FEDERAL ACQUISITION REGULATION

SEC. 7102. The Federal Acquisition Regulation shall be amended within 180 days after the date of the enactment of this Act pursuant to FAR Case 2007–006 (as published at 72 Fed Reg. 64019, November 14, 2007) or any follow-on FAR case to include provisions that require timely notification by Federal contractors of violations of Federal criminal law or overpayments in connection with the award or performance of covered contracts or subcontracts, including those performed outside the United States and those for commercial items.

DEFINITION

SEC. 7103. In this chapter, the term ''covered contract'' means any contract in an amount greater than $5,000,000 and more than 120 days in duration.

CHAPTER 2—GOVERNMENT FUNDING TRANSPARENCY

SHORT TITLE

SEC. 7201. This chapter may be cited as the ''Government Funding Transparency Act of 2008''.

FINANCIAL DISCLOSURE REQUIREMENTS FOR CERTAIN RECIPIENTS OF FEDERAL AWARDS

SEC. 7202. (a) DISCLOSURE REQUIREMENTS.—Section 2(b)(1) of the Federal Funding Accountability and Transparency Act (Public Law 109–282; 31 U.S.C. 6101 note) is amended—

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

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following new subparagraph:

''(F) the names and total compensation of the five most highly compensated officers of the entity if—

''(i) the entity in the preceding fiscal year received—

''(I) 80 percent or more of its annual gross revenues in Federal awards; and

''(II) $25,000,000 or more in annual gross revenues from Federal awards; and

''(ii) the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986.''.

(b) REGULATIONS REQUIRED.—The Director of the Office of Management and Budget shall promulgate regulations to implement the amendment made by this chapter. Such regulations shall include a definition of ''total compensation'' that is consistent with regulations of the Securities and Exchange Commission at section 402 of part 229 of title 17 of the Code of Federal Regulations (or any subsequent regulation).

TITLE VIII—EMERGENCY AGRICULTURE RELIEF

SEC. 8001. DEFINITIONS.

In this title:

(1) AGRICULTURAL EMPLOYMENT.—The term ''agricultural employment'' means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 or the performance of agricultural labor or services described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)).

(2) DEPARTMENT.—The term ''Department'' means the Department of Homeland Security.

(3) EMERGENCY AGRICULTURAL WORKER STATUS.—The term ''emergency agricultural worker status'' means the status of an alien who has been lawfully admitted into the United States for temporary residence under section 8011(a).

(4) EMPLOYER.—The term ''employer'' means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

(5) SECRETARY.—Except as otherwise provided, the term ''Secretary'' means the Secretary of Homeland Security.

(6) WORK DAY.—The term ''work day'' means any day in which the individual is employed 5.75 or more hours in agricultural employment.

SEC. 8002. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this title shall take effect on the date of the enactment of this Act.

(b) EXCEPTION.—Sections 8021 and 8031 shall take effect on the date that is 1 year after the date of the enactment of this Act.

Subtitle A—Emergency Agricultural Workers

SEC. 8011. REQUIREMENTS FOR EMERGENCY AGRICULTURAL WORKER STATUS.

(a) REQUIREMENT TO GRANT EMERGENCY AGRICULTURAL WORKER STATUS.—Notwithstanding any other provision of law, the Secretary shall, pursuant to the requirements of this section, grant emergency agricultural worker status to an alien who qualifies under this section if the Secretary determines that the alien—

(1) during the 48-month period ending on December 31, 2007—

(A) performed agricultural employment in the United States for at least 863 hours or 150 work days; or

(B) earned at least $7,000 from agricultural employment;

(2) applied for emergency agricultural worker status during the 18-month application period beginning on the first day of the seventh month that begins after the date of the enactment of this Act;

(3) is otherwise admissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as otherwise provided under section 8014; and

(4) has not been convicted of any felony or a misdemeanor, an element of which involves bodily injury, threat of serious bodily injury, or damage to property in excess of $500.

(b) AUTHORIZED TRAVEL.—An alien who is granted emergency agricultural worker status is authorized to travel outside the United States (including commuting to the United States from a residence in a foreign country) in the same manner as an alien lawfully admitted for permanent residence.

(c) AUTHORIZED EMPLOYMENT.—The Secretary shall provide an alien who is granted emergency agricultural worker status an employment authorized endorsement or other appropriate work permit, in the same manner as an alien lawfully admitted for permanent residence.

(d) TERMINATION OF EMERGENCY AGRICULTURAL WORKER STATUS.—The Secretary shall terminate emergency agricultural worker status if—

(1) the Secretary determines that the alien is deportable;

(2) the Secretary finds, by a preponderance of the evidence, that the adjustment to emergency agricultural worker status was the result of fraud or willful misrepresentation (as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)));

(3) the alien—

(A) commits an act that makes the alien inadmissible to the United States as an immigrant, except as provided under section 8014;

(B) is convicted of a felony or at least 3 misdemeanors committed in the United States;

(C) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500; or

(D) fails to pay any applicable Federal tax liability pursuant to section 8012(d); or

(4) the Secretary determines that the alien has not fulfilled the work requirement described in subsection (e) during any 1-year period in which the alien was in such status and the Secretary has not waived such requirement under subsection (e)(3).

(e) WORK REQUIREMENT.—

(1) IN GENERAL.—An alien shall perform at least 100 work days of agricultural employment per year to maintain emergency agricultural worker status under this section.

(2) PROOF.—An alien may demonstrate compliance with the requirement under paragraph (1) by submitting—

(A) the record of employment described in paragraph (4); or

(B) the documentation described in section 8013(c)(1).

(3) WAIVER FOR EXTRAORDINARY CIRCUMSTANCES.—

(A) IN GENERAL.—The Secretary may waive the requirement under paragraph (1) for any year in which the alien was unable to work in agricultural employment due to—

(i) pregnancy, injury, or disease, if the alien can establish such pregnancy, disabling injury, or disease through medical records;

(ii) illness, disease, or other special needs of a minor child, if the alien can establish such illness, disease, or special needs through medical records;

(iii) severe weather conditions that prevented the alien from engaging in agricultural employment for a significant period of time; or

(iv) termination from agricultural employment without just cause, if the alien establishes that he or she was unable to find alternative agricultural employment after a reasonable job search.

(B) LIMITATION.—A waiver granted under subparagraph (A)(iv) shall not be conclusive, binding, or admissible in a separate or subsequent action or proceeding between the employee and the employee's current or prior employer.

(4) RECORD OF EMPLOYMENT.—

(A) REQUIREMENT.—Each employer of an alien granted emergency agricultural worker status shall annually provide—

(i) a written record of employment to the alien; and

(ii) a copy of such record to the Secretary.

(B) CIVIL PENALTIES.—

(i) IN GENERAL.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien granted emergency agricultural worker status has failed to provide the record of employment required under subparagraph (A) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed $1,000 per violation.

(ii) LIMITATION.—The penalty applicable under clause (i) for failure to provide records shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this section.

(f) REQUIRED FEATURES OF IDENTITY CARD.—The Secretary shall provide each alien granted emergency agricultural worker status, and the spouse and any child of each such alien residing in the United States, with a card that contains—

(1) an encrypted, machine-readable, electronic identification strip that is unique to the alien to whom the card is issued;

(2) biometric identifiers, including fingerprints and a digital photograph; and

(3) physical security features designed to prevent tampering, counterfeiting, or duplication of the card for fraudulent purposes.

(g) FINE.—An alien granted emergency agricultural worker status shall pay a fine of $250 to the Secretary.

(h) MAXIMUM NUMBER.—The Secretary may not issue more than 1,350,000 emergency agricultural worker cards during the 5-year period beginning on the date of the enactment of this Act.

(i) MAXIMUM LENGTH OF EMERGENCY AGRICULTURAL WORKER STATUS.—Emergency agricultural worker status granted under this section shall continue until the earlier of—

(1) the date on which such status is terminated pursuant to subsection (d); or

(2) 5 years after the date on which such status is granted.

SEC. 8012. TREATMENT OF ALIENS GRANTED EMERGENCY AGRICULTURAL WORKER STATUS.

(a) IN GENERAL.—Except as otherwise provided under this section, an alien granted emergency agricultural worker status (including a spouse or child granted derivative status) shall be considered to be an alien lawfully admitted for permanent residence for purposes of any law other than any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(b) INELIGIBILITY FOR CERTAIN FEDERAL PUBLIC BENEFITS.—An alien granted emergency agricultural worker status (including a spouse or child granted derivative status) shall not be eligible, by reason of such status, for any form of assistance or benefit described in section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)) while in such status.

(c) FEDERAL TAX LIABILITY APPLIES.—

(1) IN GENERAL.—An alien granted emergency agricultural worker status shall pay any applicable Federal tax liability, including penalties and interest, owed for any year during the period of employment required under section 8011(e) for which the statutory period for assessment of any deficiency for such taxes has not expired.

(2) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all taxes required under this subsection.

(d) TREATMENT OF SPOUSES AND MINOR CHILDREN.—

(1) GRANTING OF STATUS AND REMOVAL.—The Secretary shall grant derivative status to the alien spouse and any minor child residing in the United States of an alien granted emergency agricultural worker status and shall not remove such derivative spouse or child during the period in which the principal alien maintains such status, except as provided in paragraph (4). A grant of derivative status to such a spouse or child under this subparagraph shall not decrease the number of aliens who may receive emergency agricultural worker status under section 8011(h).

(2) TRAVEL.—The derivative spouse and any minor child of an alien granted emergency agricultural worker status may travel outside the United States in the same manner as an alien lawfully admitted for permanent residence.

(3) EMPLOYMENT.—The derivative spouse of an alien granted emergency agricultural worker status may apply to the Secretary for a work permit to authorize such spouse to engage in any lawful employment in the United States while such alien maintains emergency agricultural worker status.

(4) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS AND REMOVAL.—The Secretary shall deny an alien spouse or child adjustment of status under paragraph (1) and shall remove such spouse or child under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) if the spouse or child—

(A) commits an act that makes the alien spouse or child inadmissible to the United States under section 212 of such Act (8 U.S.C. 1182), except as provided under section 8014;

(B) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(C) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

(e) ADJUSTMENT OF STATUS.—Nothing in this Act may be construed to prevent an alien from seeking adjustment of status in accordance with any other provision of law if the alien is otherwise eligible for such adjustment of status.

SEC. 8013. APPLICATIONS.

(a) SUBMISSION.—Applications for emergency agricultural worker status may be submitted to—

(1) the Secretary, if the applicant is represented by an attorney or a nonprofit religious, charitable, social service, or similar organization recognized by the Board of Immigration Appeals under section 292.2 of title 8, Code of Federal Regulations; or

(2) a qualified designated entity if the applicant consents to the forwarding of the application to the Secretary.

(b) QUALIFIED DESIGNATED ENTITY DEFINED.—In this section, the term ''qualified designated entity'' means—

(1) a qualified farm labor organization or an association of employers designated by the Secretary; or

(2) any such other person designated by the Secretary if the Secretary determines such person is qualified and has substantial experience, demonstrated competence, and a history of long-term involvement in the preparation and submission of applications for adjustment of status under section 209, 210, or 245 of the Immigration and Nationality Act (8 U.S.C. 1159, 1160, and 1255), the Act entitled ''An Act to adjust the status of Cuban refugees to that of lawful permanent residents of the United States, and for other purposes'', approved November 2, 1966 (Public Law 89–732; 8 U.S.C. 1255 note), Public Law 95–145 (8 U.S.C. 1255 note), or the Immigration Reform and Control Act of 1986 (Public Law 99–603; 100 Stat. 3359) or any amendment made by that Act.

(c) PROOF OF ELIGIBILITY.—

(1) IN GENERAL.—An alien may establish that the alien meets the requirement of subsections (a)(1) and (e)(1) of section 8011 through government employment records or records supplied by employers or collective bargaining organizations, and such other reliable documentation as the alien may provide. The Secretary shall establish special procedures to properly credit work in cases in which an alien was employed under an assumed name.

(2) DOCUMENTATION OF WORK HISTORY.—

(A) BURDEN OF PROOF.—An alien applying for emergency agricultural worker status has the burden of proving by a preponderance of the evidence that the alien has worked the requisite number of hours or days required under section 8011(a)(1).

(B) TIMELY PRODUCTION OF RECORDS.—If an employer or farm labor contractor employing such an alien has kept proper and adequate records respecting such employment, the alien's burden of proof under subparagraph (A) may be met by securing timely production of those records under regulations to be promulgated by the Secretary.

(C) SUFFICIENT EVIDENCE.—An alien may meet the burden of proof under subparagraph (A) to establish that the alien has performed the days or hours of work required under section 8011(a)(1) by producing sufficient evidence to show the extent of that employment as a matter of just and reasonable inference.

(d) APPLICATIONS SUBMITTED TO QUALIFIED DESIGNATED ENTITIES.—

(1) REQUIREMENTS.—Each qualified designated entity shall agree—

(A) to forward to the Secretary an application submitted to that entity pursuant to subsection (a)(2) if the applicant has consented to such forwarding;

(B) not to forward to the Secretary any such application if the applicant has not consented to such forwarding; and

(C) to assist an alien in obtaining documentation of the alien's work history, if the alien requests such assistance.

(2) NO AUTHORITY TO MAKE DETERMINATIONS.—No qualified designated entity may make a determination required under this title to be made by the Secretary.

(e) LIMITATION ON ACCESS TO INFORMATION.—Files and records collected or compiled by a qualified designated entity for the purposes of this section are confidential and the Secretary shall not have access to such a file or record relating to an alien without the consent of the alien, except as allowed by a court order issued pursuant to subsection (f).

(f) CONFIDENTIALITY OF INFORMATION.—

(1) IN GENERAL.—Except as otherwise provided in this section, the Secretary or any other official or employee of the Department or a bureau or agency of the Department is prohibited from—

(A) using information furnished by the applicant pursuant to an application filed under this title, the information provided by an applicant to a qualified designated entity, or any information provided by an employer or former employer for any purpose other than to make a determination on the application or for imposing the penalties described in subsection (g);

(B) making any publication in which the information furnished by any particular individual can be identified; or

(C) permitting a person other than a sworn officer or employee of the Department or a bureau or agency of the Department or, with respect to applications filed with a qualified

designated entity, that qualified designated entity, to examine individual applications.

(2) REQUIRED DISCLOSURES.—The Secretary shall provide the information furnished under this title or any other information derived from such furnished information to—

(A) a duly recognized law enforcement entity in connection with a criminal investigation or prosecution, if such information is requested in writing by such entity; and

(B) an official coroner, for purposes of affirmatively identifying a deceased individual, whether or not the death of such individual resulted from a crime.

(3) CONSTRUCTION.—

(A) IN GENERAL.—Nothing in this subsection shall be construed to limit the use, or release, for immigration enforcement purposes or law enforcement purposes, of information contained in files or records of the Department pertaining to an application filed under this section, other than information furnished by an applicant pursuant to the application, or any other information derived from the application, that is not available from any other source.

(B) CRIMINAL CONVICTIONS.—Notwithstanding any other provision of this subsection, information concerning whether the alien applying for emergency agricultural worker status has been convicted of a crime at any time may be used or released for immigration enforcement or law enforcement purposes.

(4) CRIME.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this subsection shall be subject to a fine in an amount not to exceed $10,000.

(g) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—

(1) CRIMINAL PENALTY.—Any person who—

(A) files an application for emergency agricultural worker status and knowingly and willfully falsifies, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, or

(B) creates or supplies a false writing or document for use in making such an application,

shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

(2) INADMISSIBILITY.—An alien who is convicted of a crime under paragraph (1) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)).

(h) ELIGIBILITY FOR LEGAL SERVICES.—Section 504(a)(11) of Public Law 104–134 (110 Stat. 1321–53 et seq.) shall not be construed to prevent a recipient of funds under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) from providing legal assistance directly related to an application for emergency agricultural worker status.

(i) APPLICATION FEES.—

(1) FEE SCHEDULE.—The Secretary shall provide for a schedule of fees that—

(A) shall be charged for the filing of an application for emergency agricultural worker status; and

(B) may be charged by qualified designated entities to help defray the costs of services provided to such applicants.

(2) PROHIBITION ON EXCESS FEES BY QUALIFIED DESIGNATED ENTITIES.—A qualified designated entity may not charge any fee in excess of, or in addition to, the fees authorized under paragraph (1)(B) for services provided to applicants.

(3) DISPOSITION OF FEES.—

(A) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the ''Agricultural Worker Immigration Status Adjustment Account''. Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under paragraph (1)(A).

(B) USE OF FEES FOR APPLICATION PROCESSING.—Amounts deposited in the ''Agricultural Worker Immigration Status Adjustment Account'' shall remain available to the Secretary until expended for processing applications for emergency agricultural worker status.

SEC. 8014. WAIVER OF NUMERICAL LIMITATIONS AND CERTAIN GROUNDS FOR INADMISSIBILITY.

(a) WAIVER OF CERTAIN GROUNDS OF INADMISSIBILITY.—In the determination of an alien's eligibility for emergency agricultural worker status, the following rules shall apply:

(1) GROUNDS OF EXCLUSION NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), (7), and (9) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(2) WAIVER OF OTHER GROUNDS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary may waive any other provision of such section 212(a) in the case of individual aliens for humanitarian purposes, to ensure family unity, or if otherwise in the public interest.

(B) GROUNDS THAT MAY NOT BE WAIVED.—Paragraphs (2)(A), (2)(B), (2)(C), (2)(D), (2)(G), (2)(H), (2)(I), (3), and (4) of such section 212(a) may not be waived by the Secretary under subparagraph (A).

(C) CONSTRUCTION.—Nothing in this paragraph shall be construed as affecting the authority of the Secretary other than under this subparagraph to waive provisions of such section 212(a).

(3) SPECIAL RULE FOR DETERMINATION OF PUBLIC CHARGE.—An alien is not ineligible for emergency agricultural worker status by reason of a ground of inadmissibility under section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) if the alien demonstrates a history of employment in the United States evidencing self-support without reliance on public cash assistance.

(b) TEMPORARY STAY OF REMOVAL AND WORK AUTHORIZATION FOR CERTAIN APPLICANTS.—

(1) BEFORE APPLICATION PERIOD.—Effective on the date of the enactment of this Act, an alien who is apprehended before the beginning of the application period described in section 8011(a)(2) and who can establish a nonfrivolous case of eligibility for emergency agricultural worker status (but for the fact that the alien may not apply for such status until the beginning of such period)—

(A) may not be removed until the alien has had the opportunity during the first 30 days of the application period to complete the filing of an application for such status; and

(B) shall be granted authorization to engage in employment in the United States and be provided an employment authorized endorsement or other appropriate work permit for such purpose.

(2) DURING APPLICATION PERIOD.—An alien who presents a nonfrivolous application for emergency agricultural worker status during the application period described in section 8011(a)(2), including an alien who files such an application not later than 30 days after the alien's apprehension—

(A) may not be removed until a final determination on the application has been made in accordance with this section; and

(B) shall be granted authorization to engage in employment in the United States and be provided an employment authorized endorsement or other appropriate work permit for such purpose.

SEC. 8015. ADMINISTRATIVE AND JUDICIAL REVIEW.

(a) IN GENERAL.—There shall be no administrative or judicial review of a determination respecting an application for emergency agricultural worker status under this title.

(b) ADMINISTRATIVE REVIEW.—

(1) SINGLE LEVEL OF ADMINISTRATIVE APPELLATE REVIEW.—The Secretary shall establish an appellate authority to provide for a single level of administrative appellate review of such a determination.

(2) STANDARD FOR REVIEW.—Such administrative appellate review shall be based solely upon the administrative record established at the time of the determination on the application and upon such additional or newly discovered evidence as may not have been available at the time of the determination.

(c) JUDICIAL REVIEW.—

(1) LIMITATION TO REVIEW OF REMOVAL.—There shall be judicial review of such a determination only in the judicial review of an order of removal under section 242 of the Immigration and Nationality Act (8 U.S.C. 1252).

(2) STANDARD FOR JUDICIAL REVIEW.—Such judicial review shall be based solely upon the administrative record established at the time of the review by the appellate authority and the findings of fact and determinations contained in such record shall be conclusive unless the applicant can establish abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record considered as a whole.

SEC. 8016. DISSEMINATION OF INFORMATION.

Beginning not later than the first day of the application period described in section 8011(a)(2), the Secretary, in cooperation with qualified designated entities (as that term is defined in section 8013(b)), shall broadly disseminate information respecting the benefits that aliens may receive under this title and the requirements that an alien is required to meet to receive such benefits.

SEC. 8017. RULEMAKING; EFFECTIVE DATE; AUTHORIZATION OF APPROPRIATIONS.

(a) RULEMAKING.—The Secretary shall issue regulations to implement this title not later than the first day of the seventh month that begins after the date of the enactment of this Act.

(b) EFFECTIVE DATE.—Except as otherwise provided, this title shall take effect on the date that regulations required under subsection (a) are issued, regardless of whether such regulations are issued on an interim basis or on any other basis.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for fiscal years 2008 and 2009 such sums as may be necessary to implement this title.

SEC. 8018. PRECLUSION OF SOCIAL SECURITY CREDITS FOR PERIODS WITHOUT WORK AUTHORIZATION.

(a) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by adding at the end the following:

''(d)(1) Except as provided in paragraph (2), for purposes of subsections (a) and (b), no quarter of coverage shall be credited for any calendar year beginning on or after January 1, 2004, with respect to an individual granted emergency agricultural worker status under section 8011 of the Emergency Agriculture Relief Act of 2008, unless the Commissioner of Social Security determines, on the basis of information provided to the Commissioner in accordance with an agreement under subsection (e) or otherwise, that the individual was authorized to be employed in the United States during such quarter.

''(2) Paragraph (1) shall not apply to an individual who was assigned a social security account number before January 1, 2004.

''(e) Not later than 180 days after the date of the enactment of this subsection, the Secretary of Homeland Security shall enter into an agreement with the Commissioner of Social Security to provide such information as the Commissioner determines necessary to carry out the limitation on crediting quarters of coverage under subsection (d).''.

(b) BENEFIT COMPUTATION.—Section 215(e) of the Social Security Act (42 U.S.C. 415(e)) is amended—

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

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(3) in computing the average indexed monthly earnings of an individual, wages or self-employment income shall not be counted for any year for which no quarter of coverage may be credited to such individual pursuant to section 214(d).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to benefit applications filed on or after the date that is 180 days after the date of the enactment of this Act based on the wages or self-employment income of an individual with respect to whom a primary insurance amount has not been determined under title II of the Social Security Act (42 U.S.C. 401 et seq.) before such date.

SEC. 8019. CORRECTION OF SOCIAL SECURITY RECORDS.

(a) IN GENERAL.—Section 208(e)(1) of the Social Security Act (42 U.S.C. 408(e)(1)) is amended—

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

(2) in subparagraph (C), by inserting ''or'' at the end;

(3) by inserting after subparagraph (C) the following:

''(D) who is granted emergency agricultural worker status under the Emergency Agriculture Relief Act of 2008,''; and

(4) by striking ''1990.'' and inserting ''1990, or in the case of an alien described in subparagraph (D), if such conduct is alleged to have occurred before the date on which the alien was granted emergency agricultural worker status.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the seventh month that begins after the date of the enactment of this Act.

Subtitle B—H–2A Worker Program

SEC. 8021. REFORM OF H–2A WORKER PROGRAM.

(a) IN GENERAL.—Title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.) is amended by striking section 218 and inserting the following:

''SEC. 218. H–2A EMPLOYER APPLICATIONS.

''(a) APPLICATIONS TO THE SECRETARY OF LABOR.—

''(1) IN GENERAL.—No alien may be admitted to the United States as an H–2A worker, or otherwise provided status as an H–2A worker, unless the employer has filed with the Secretary of Labor an application containing—

''(A) the assurances described in subsection (b);

''(B) a description of the nature and location of the work to be performed;

''(C) the anticipated period (expected beginning and ending dates) for which the workers will be needed; and

''(D) the number of job opportunities in which the employer seeks to employ the workers.

''(2) ACCOMPANIED BY JOB OFFER.—Each application filed under paragraph (1) shall be accompanied by a copy of the job offer describing the wages and other terms and conditions of employment and the bona fide occupational qualifications that shall be possessed by a worker to be employed in the job opportunity in question.

''(b) ASSURANCES FOR INCLUSION IN APPLICATIONS.—The assurances referred to in subsection (a)(1) are the following:

''(1) JOB OPPORTUNITIES COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is covered under a collective bargaining agreement:

''(A) UNION CONTRACT DESCRIBED.—The job opportunity is covered by a union contract which was negotiated at arm's length between a bona fide union and the employer.

''(B) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer is requesting an H–2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

''(C) NOTIFICATION OF BARGAINING REPRESENTATIVES.—The employer, at the time of filing the application, has provided notice of the filing under this paragraph to the bargaining representative of the employer's employees in the occupational classification at the place or places of employment for which aliens are sought.

''(D) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

''(E) OFFERS TO UNITED STATES WORKERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or the nonimmigrants are, sought and who will be available at the time and place of need.

''(F) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of, and in the course of, the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

''(2) JOB OPPORTUNITIES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is not covered under a collective bargaining agreement:

''(A) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer has applied for an H–2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

''(B) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

''(C) BENEFIT, WAGE, AND WORKING CONDITIONS.—The employer will provide, at a minimum, the benefits, wages, and working conditions required by section 218A to all workers employed in the job opportunities for which the employer has applied for an H–2A worker under subsection (a) and to all other workers in the same occupation at the place of employment.

''(D) NONDISPLACEMENT OF UNITED STATES WORKERS.—The employer did not displace and will not displace a United States worker employed by the employer during the period of employment and for a period of 30 days preceding the period of employment in the occupation at the place of employment for which the employer has applied for an H–2A worker.

''(E) REQUIREMENTS FOR PLACEMENT OF THE NONIMMIGRANT WITH OTHER EMPLOYERS.—The employer will not place the nonimmigrant with another employer unless—

''(i) the nonimmigrant performs duties in whole or in part at 1 or more worksites owned, operated, or controlled by such other employer;

''(ii) there are indicia of an employment relationship between the nonimmigrant and such other employer; and

''(iii) the employer has inquired of the other employer as to whether, and has no actual knowledge or notice that, during the period of employment and for a period of 30 days preceding the period of employment, the other employer has displaced or intends to displace a United States worker employed by the other employer in the occupation at the place of employment for which the employer seeks approval to employ H–2A workers.

''(F) STATEMENT OF LIABILITY.—The application form shall include a clear statement explaining the liability under subparagraph (E) of an employer if the other employer described in such subparagraph displaces a United States worker as described in such subparagraph.

''(G) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

''(H) EMPLOYMENT OF UNITED STATES WORKERS.—

''(i) RECRUITMENT.—The employer has taken or will take the following steps to recruit United States workers for the job opportunities for which the H–2A nonimmigrant is, or H–2A nonimmigrants are, sought:

''(I) CONTACTING FORMER WORKERS.—The employer shall make reasonable efforts through the sending of a letter by United States Postal Service mail, or otherwise, to contact any United States worker the employer employed during the previous season in the occupation at the place of intended employment for which the employer is applying for workers and has made the availability of the employer's job opportunities in the occupation at the place of intended employment known to such previous workers, unless the worker was terminated from employment by the employer for a lawful job-related reason or abandoned the job before the worker completed the period of employment of the job opportunity for which the worker was hired.

''(II) FILING A JOB OFFER WITH THE LOCAL OFFICE OF THE STATE EMPLOYMENT SECURITY AGENCY.—Not later than 28 days before the date on which the employer desires to employ an H–2A worker in a temporary or seasonal agricultural job opportunity, the employer shall submit a copy of the job offer described in subsection (a)(2) to the local office of the State employment security agency which serves the area of intended employment and authorize the posting of the job opportunity on 'America's Job Bank' or other electronic job registry, except that nothing in this subclause shall require the employer to file an interstate job order under section 653 of title 20, Code of Federal Regulations.

''(III) ADVERTISING OF JOB OPPORTUNITIES.—Not later than 14 days before the date on which the employer desires to employ an H–2A worker in a temporary or seasonal agricultural job opportunity, the employer shall advertise the availability of the job opportunities for which the employer is seeking workers in a publication in the local labor market that is likely to be patronized by potential farm workers.

''(IV) EMERGENCY PROCEDURES.—The Secretary of Labor shall, by regulation, provide a procedure for acceptance and approval of applications in which the employer has not

complied with the provisions of this subparagraph because the employer's need for H–2A workers could not reasonably have been foreseen.

''(ii) JOB OFFERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or nonimmigrants are, sought and who will be available at the time and place of need.

''(iii) PERIOD OF EMPLOYMENT.—The employer will provide employment to any qualified United States worker who applies to the employer during the period beginning on the date on which the H–2A worker departs for the employer's place of employment and ending on the date on which 50 percent of the period of employment for which the H–2A worker who is in the job was hired has elapsed, subject to the following requirements:

''(I) PROHIBITION.—No person or entity shall willfully and knowingly withhold United States workers before the arrival of H–2A workers in order to force the hiring of United States workers under this clause.

''(II) COMPLAINTS.—Upon receipt of a complaint by an employer that a violation of subclause (I) has occurred, the Secretary of Labor shall immediately investigate. The Secretary of Labor shall, within 36 hours of the receipt of the complaint, issue findings concerning the alleged violation. If the Secretary of Labor finds that a violation has occurred, the Secretary of Labor shall immediately suspend the application of this clause with respect to that certification for that date of need.

''(III) PLACEMENT OF UNITED STATES WORKERS.—Before referring a United States worker to an employer during the period described in the matter preceding subclause (I), the Secretary of Labor shall make all reasonable efforts to place the United States worker in an open job acceptable to the worker, if there are other job offers pending with the job service that offer similar job opportunities in the area of intended employment.

''(iv) STATUTORY CONSTRUCTION.—Nothing in this subparagraph shall be construed to prohibit an employer from using such legitimate selection criteria relevant to the type of job that are normal or customary to the type of job involved so long as such criteria are not applied in a discriminatory manner.

''(c) APPLICATIONS BY ASSOCIATIONS ON BEHALF OF EMPLOYER MEMBERS.—

''(1) IN GENERAL.—An agricultural association may file an application under subsection (a) on behalf of 1 or more of its employer members that the association certifies in its application has or have agreed in writing to comply with the requirements of this section and sections 218A, 218B, and 218C.

''(2) TREATMENT OF ASSOCIATIONS ACTING AS EMPLOYERS.—If an association filing an application under paragraph (1) is a joint or sole employer of the temporary or seasonal agricultural workers requested on the application, the certifications granted under subsection (e)(2)(B) to the association may be used for the certified job opportunities of any of its producer members named on the application, and such workers may be transferred among such producer members to perform the agricultural services of a temporary or seasonal nature for which the certifications were granted.

''(d) WITHDRAWAL OF APPLICATIONS.—

''(1) IN GENERAL.—An employer may withdraw an application filed pursuant to subsection (a), except that if the employer is an agricultural association, the association may withdraw an application filed pursuant to subsection (a) with respect to 1 or more of its members. To withdraw an application, the employer or association shall notify the Secretary of Labor in writing, and the Secretary of Labor shall acknowledge in writing the receipt of such withdrawal notice. An employer who withdraws an application under subsection (a), or on whose behalf an application is withdrawn, is relieved of the obligations undertaken in the application.

''(2) LIMITATION.—An application may not be withdrawn while any alien provided status under section 101(a)(15)(H)(ii)(a) pursuant to such application is employed by the employer.

''(3) OBLIGATIONS UNDER OTHER STATUTES.—Any obligation incurred by an employer under any other law or regulation as a result of the recruitment of United States workers or H–2A workers under an offer of terms and conditions of employment required as a result of making an application under subsection (a) is unaffected by withdrawal of such application.

''(e) REVIEW AND APPROVAL OF APPLICATIONS.—

''(1) RESPONSIBILITY OF EMPLOYERS.—The employer shall make available for public examination, within 1 working day after the date on which an application under subsection (a) is filed, at the employer's principal place of business or worksite, a copy of each such application (and such accompanying documents as are necessary).

''(2) RESPONSIBILITY OF THE SECRETARY OF LABOR.—

''(A) COMPILATION OF LIST.—The Secretary of Labor shall compile, on a current basis, a list (by employer and by occupational classification) of the applications filed under subsection (a). Such list shall include the wage rate, number of workers sought, period of intended employment, and date of need. The Secretary of Labor shall make such list available for examination in the District of Columbia.

''(B) REVIEW OF APPLICATIONS.—The Secretary of Labor shall review such an application only for completeness and obvious inaccuracies. Unless the Secretary of Labor finds that the application is incomplete or obviously inaccurate, the Secretary of Labor shall certify that the intending employer has filed with the Secretary of Labor an application as described in subsection (a). Such certification shall be provided within 7 days of the filing of the application.''

''SEC. 218A. H–2A WORKER EMPLOYMENT REQUIREMENTS.

''(a) PREFERENTIAL TREATMENT OF ALIENS PROHIBITED.—Employers seeking to hire United States workers shall offer the United States workers no less than the same benefits, wages, and working conditions that the employer is offering, intends to offer, or will provide to H–2A workers. Conversely, no job offer may impose on United States workers any restrictions or obligations which will not be imposed on the employer's H–2A workers.

''(b) MINIMUM BENEFITS, WAGES, AND WORKING CONDITIONS.—Except in cases where higher benefits, wages, or working conditions are required by the provisions of subsection (a), in order to protect similarly employed United States workers from adverse effects with respect to benefits, wages, and working conditions, every job offer which shall accompany an application under section 218(b)(2) shall include each of the following benefit, wage, and working condition provisions:

''(1) REQUIREMENT TO PROVIDE HOUSING OR A HOUSING ALLOWANCE.—

''(A) IN GENERAL.—An employer applying under section 218(a) for H–2A workers shall offer to provide housing at no cost to all workers in job opportunities for which the employer has applied under that section and to all other workers in the same occupation at the place of employment, whose place of residence is beyond normal commuting distance.

''(B) TYPE OF HOUSING.—In complying with subparagraph (A), an employer may, at the employer's election, provide housing that meets applicable Federal standards for temporary labor camps or secure housing that meets applicable local standards for rental or public accommodation housing or other substantially similar class of habitation, or in the absence of applicable local standards, State standards for rental or public accommodation housing or other substantially similar class of habitation. In the absence of applicable local or State standards, Federal temporary labor camp standards shall apply.

''(C) FAMILY HOUSING.—If it is the prevailing practice in the occupation and area of intended employment to provide family housing, family housing shall be provided to workers with families who request it.

''(D) WORKERS ENGAGED IN THE RANGE PRODUCTION OF LIVESTOCK.—The Secretary of Labor shall issue regulations that address the specific requirements for the provision of housing to workers engaged in the range production of livestock.

''(E) LIMITATION.—Nothing in this paragraph shall be construed to require an employer to provide or secure housing for persons who were not entitled to such housing under the temporary labor certification regulations in effect on June 1, 1986.

''(F) CHARGES FOR HOUSING.—

''(i) CHARGES FOR PUBLIC HOUSING.—If public housing provided for migrant agricultural workers under the auspices of a local, county, or State government is secured by an employer, and use of the public housing unit normally requires charges from migrant workers, such charges shall be paid by the employer directly to the appropriate individual or entity affiliated with the housing's management.

''(ii) DEPOSIT CHARGES.—Charges in the form of deposits for bedding or other similar incidentals related to housing shall not be levied upon workers by employers who provide housing for their workers. An employer may require a worker found to have been responsible for damage to such housing which is not the result of normal wear and tear related to habitation to reimburse the employer for the reasonable cost of repair of such damage.

''(G) HOUSING ALLOWANCE AS ALTERNATIVE.—

''(i) IN GENERAL.—If the requirement set out in clause (ii) is satisfied, the employer may provide a reasonable housing allowance instead of offering housing under subparagraph (A). Upon the request of a worker seeking assistance in locating housing, the employer shall make a good faith effort to assist the worker in identifying and locating housing in the area of intended employment. An employer who offers a housing allowance to a worker, or assists a worker in locating housing which the worker occupies, pursuant to this clause shall not be deemed a housing provider under section 203 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1823) solely by virtue of providing such housing allowance. No housing allowance may be used for housing which is owned or controlled by the employer.

''(ii) CERTIFICATION.—The requirement of this clause is satisfied if the Governor of the State certifies to the Secretary of Labor that there is adequate housing available in the area of intended employment for migrant farm workers and H–2A workers who are seeking temporary housing while employed in agricultural work. Such certification shall expire after 3 years unless renewed by the Governor of the State.

''(iii) AMOUNT OF ALLOWANCE.—

''(I) NONMETROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this subparagraph is a nonmetropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for nonmetropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

''(II) METROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this paragraph is in a metropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for metropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

''(2) REIMBURSEMENT OF TRANSPORTATION.—

''(A) TO PLACE OF EMPLOYMENT.—A worker who completes 50 percent of the period of employment of the job opportunity for which the worker was hired shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place from which the worker came to work for the employer (or place of last employment, if the worker traveled from such place) to the place of employment.

''(B) FROM PLACE OF EMPLOYMENT.—A worker who completes the period of employment for the job opportunity involved shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place of employment to the place from which the worker, disregarding intervening employment, came to work for the employer, or to the place of next employment, if the worker has contracted with a subsequent employer who has not agreed to provide or pay for the worker's transportation and subsistence to such subsequent employer's place of employment.

''(C) LIMITATION.—

''(i) AMOUNT OF REIMBURSEMENT.—Except as provided in clause (ii), the amount of reimbursement provided under subparagraph (A) or (B) to a worker or alien shall not exceed the lesser of—

''(I) the actual cost to the worker or alien of the transportation and subsistence involved; or

''(II) the most economical and reasonable common carrier transportation charges and subsistence costs for the distance involved.

''(ii) DISTANCE TRAVELED.—No reimbursement under subparagraph (A) or (B) shall be required if the distance traveled is 100 miles or less, or the worker is not residing in employer-provided housing or housing secured through an allowance as provided in paragraph (1)(G).

''(D) EARLY TERMINATION.—If the worker is laid off or employment is terminated for contract impossibility (as described in paragraph (4)(D)) before the anticipated ending date of employment, the employer shall provide the transportation and subsistence required by subparagraph (B) and, notwithstanding whether the worker has completed 50 percent of the period of employment, shall provide the transportation reimbursement required by subparagraph (A).

''(E) TRANSPORTATION BETWEEN LIVING QUARTERS AND WORKSITE.—The employer shall provide transportation between the worker's living quarters and the employer's worksite without cost to the worker, and such transportation will be in accordance with applicable laws and regulations.

''(3) REQUIRED WAGES.—

''(A) IN GENERAL.—An employer applying for workers under section 218(a) shall offer to pay, and shall pay, all workers in the occupation for which the employer has applied for workers, not less (and is not required to pay more) than the greater of the prevailing wage in the occupation in the area of intended employment or the adverse effect wage rate. No worker shall be paid less than the greater of the hourly wage prescribed under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State minimum wage.

''(B) LIMITATION.—Effective on the date of the enactment of the Emergency Agriculture Relief Act of 2008 and continuing for 3 years thereafter, no adverse effect wage rate for a State may be more than the adverse effect wage rate for that State in effect on January 1, 2008, as established by section 655.107 of title 20, Code of Federal Regulations.

''(C) REQUIRED WAGES AFTER 3-YEAR FREEZE.—If Congress does not set a new wage standard applicable to this section before March 1, 2012, the adverse effect wage rate for each State beginning on March 1, 2012 shall be the wage rate that would have resulted under the methodology in effect on January 1, 2008.

''(D) DEDUCTIONS.—The employer shall make only those deductions from the worker's wages that are authorized by law or are reasonable and customary in the occupation and area of employment. The job offer shall specify all deductions not required by law which the employer will make from the worker's wages.

''(E) FREQUENCY OF PAY.—The employer shall pay the worker not less frequently than twice monthly, or in accordance with the prevailing practice in the area of employment, whichever is more frequent.

''(F) HOURS AND EARNINGS STATEMENTS.—The employer shall furnish to the worker, on or before each payday, in 1 or more written statements—

''(i) the worker's total earnings for the pay period;

''(ii) the worker's hourly rate of pay, piece rate of pay, or both;

''(iii) the hours of employment which have been offered to the worker (broken out by hours offered in accordance with and over and above the ¾ guarantee described in paragraph (4);

''(iv) the hours actually worked by the worker;

''(v) an itemization of the deductions made from the worker's wages; and

''(vi) if piece rates of pay are used, the units produced daily.

''(G) REPORT ON WAGE PROTECTIONS.—Not later than December 31, 2010, the Comptroller General of the United States shall prepare and transmit to the Secretary of Labor, the Committee on the Judiciary of the Senate, and Committee on the Judiciary of the House of Representatives, a report that addresses—

''(i) whether the employment of H–2A or unauthorized aliens in the United States agricultural workforce has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

''(ii) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

''(iii) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

''(iv) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage; and

''(v) recommendations for future wage protection under this section.

''(H) COMMISSION ON WAGE STANDARDS.—

''(i) ESTABLISHMENT.—There is established the Commission on Agricultural Wage Standards under the H–2A program (in this subparagraph referred to as the 'Commission').

''(ii) COMPOSITION.—The Commission shall consist of 10 members as follows:

''(I) Four representatives of agricultural employers and 1 representative of the Department of Agriculture, each appointed by the Secretary of Agriculture.

''(II) Four representatives of agricultural workers and 1 representative of the Department of Labor, each appointed by the Secretary of Labor.

''(iii) FUNCTIONS.—The Commission shall conduct a study that shall address—

''(I) whether the employment of H–2A or unauthorized aliens in the United States agricultural workforce has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

''(II) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

''(III) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

''(IV) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage rate; and

''(V) recommendations for future wage protection under this section.

''(iv) FINAL REPORT.—Not later than December 31, 2010, the Commission shall submit a report to the Congress setting forth the findings of the study conducted under clause (iii).

''(v) TERMINATION DATE.—The Commission shall terminate upon submitting its final report.

''(4) GUARANTEE OF EMPLOYMENT.—

''(A) OFFER TO WORKER.—The employer shall guarantee to offer the worker employment for the hourly equivalent of at least ¾ of the work days of the total period of employment, beginning with the first work day after the arrival of the worker at the place of employment and ending on the expiration date specified in the job offer. For purposes of this subparagraph, the hourly equivalent means the number of hours in the work days as stated in the job offer and shall exclude the worker's Sabbath and Federal holidays. If the employer affords the United States or H–2A worker less employment than that required under this paragraph, the employer shall pay such worker the amount which the worker would have earned had the worker, in fact, worked for the guaranteed number of hours.

''(B) FAILURE TO WORK.—Any hours which the worker fails to work, up to a maximum of the number of hours specified in the job offer for a work day, when the worker has

been offered an opportunity to do so, and all hours of work actually performed (including voluntary work in excess of the number of hours specified in the job offer in a work day, on the worker's Sabbath, or on Federal holidays) may be counted by the employer in calculating whether the period of guaranteed employment has been met.

''(C) ABANDONMENT OF EMPLOYMENT, TERMINATION FOR CAUSE.—If the worker voluntarily abandons employment before the end of the contract period, or is terminated for cause, the worker is not entitled to the '¾ guarantee' described in subparagraph (A).

''(D) CONTRACT IMPOSSIBILITY.—If, before the expiration of the period of employment specified in the job offer, the services of the worker are no longer required for reasons beyond the control of the employer due to any form of natural disaster, including a flood, hurricane, freeze, earthquake, fire, drought, plant or animal disease or pest infestation, or regulatory drought, before the guarantee in subparagraph (A) is fulfilled, the employer may terminate the worker's employment. In the event of such termination, the employer shall fulfill the employment guarantee in subparagraph (A) for the work days that have elapsed from the first work day after the arrival of the worker to the termination of employment. In such cases, the employer will make efforts to transfer the United States worker to other comparable employment acceptable to the worker. If such transfer is not effected, the employer shall provide the return transportation required in paragraph (2)(D).

''(5) MOTOR VEHICLE SAFETY.—

''(A) MODE OF TRANSPORTATION SUBJECT TO COVERAGE.—

''(i) IN GENERAL.—Except as provided in clauses (iii) and (iv), this subsection applies to any H–2A employer that uses or causes to be used any vehicle to transport an H–2A worker within the United States.

''(ii) DEFINED TERM.—In this paragraph, the term 'uses or causes to be used'—

''(I) applies only to transportation provided by an H–2A employer to an H–2A worker, or by a farm labor contractor to an H–2A worker at the request or direction of an H–2A employer; and

''(II) does not apply to—

''(aa) transportation provided, or transportation arrangements made, by an H–2A worker, unless the employer specifically requested or arranged such transportation; or

''(bb) car pooling arrangements made by H–2A workers themselves, using 1 of the workers' own vehicles, unless specifically requested by the employer directly or through a farm labor contractor.

''(iii) CLARIFICATION.—Providing a job offer to an H–2A worker that causes the worker to travel to or from the place of employment, or the payment or reimbursement of the transportation costs of an H–2A worker by an H–2A employer, shall not constitute an arrangement of, or participation in, such transportation.

''(iv) AGRICULTURAL MACHINERY AND EQUIPMENT EXCLUDED.—This subsection does not apply to the transportation of an H–2A worker on a tractor, combine, harvester, picker, or other similar machinery or equipment while such worker is actually engaged in the planting, cultivating, or harvesting of agricultural commodities or the care of livestock or poultry or engaged in transportation incidental thereto.

''(v) COMMON CARRIERS EXCLUDED.—This subsection does not apply to common carrier motor vehicle transportation in which the provider holds itself out to the general public as engaging in the transportation of passengers for hire and holds a valid certification of authorization for such purposes from an appropriate Federal, State, or local agency.

''(B) APPLICABILITY OF STANDARDS, LICENSING, AND INSURANCE REQUIREMENTS.—

''(i) IN GENERAL.—When using, or causing to be used, any vehicle for the purpose of providing transportation to which this subparagraph applies, each employer shall—

''(I) ensure that each such vehicle conforms to the standards prescribed by the Secretary of Labor under section 401(b) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1841(b)) and other applicable Federal and State safety standards;

''(II) ensure that each driver has a valid and appropriate license, as provided by State law, to operate the vehicle; and

''(III) have an insurance policy or a liability bond that is in effect which insures the employer against liability for damage to persons or property arising from the ownership, operation, or causing to be operated, of any vehicle used to transport any H–2A worker.

''(ii) AMOUNT OF INSURANCE REQUIRED.—The level of insurance required shall be determined by the Secretary of Labor pursuant to regulations to be issued under this subsection.

''(iii) EFFECT OF WORKERS' COMPENSATION COVERAGE.—If the employer of any H–2A worker provides workers' compensation coverage for such worker in the case of bodily injury or death as provided by State law, the following adjustments in the requirements of subparagraph (B)(i)(III) relating to having an insurance policy or liability bond apply:

''(I) No insurance policy or liability bond shall be required of the employer, if such workers are transported only under circumstances for which there is coverage under such State law.

''(II) An insurance policy or liability bond shall be required of the employer for circumstances under which coverage for the transportation of such workers is not provided under such State law.

''(c) COMPLIANCE WITH LABOR LAWS.—An employer shall assure that, except as otherwise provided in this section, the employer will comply with all applicable Federal, State, and local labor laws, including laws affecting migrant and seasonal agricultural workers, with respect to all United States workers and alien workers employed by the employer, except that a violation of this assurance shall not constitute a violation of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

''(d) COPY OF JOB OFFER.—The employer shall provide to the worker, not later than the day the work commences, a copy of the employer's application and job offer described in section 218(a), or, if the employer will require the worker to enter into a separate employment contract covering the employment in question, such separate employment contract.

''(e) RANGE PRODUCTION OF LIVESTOCK.—Nothing in this section, section 218, or section 218B shall preclude the Secretary of Labor and the Secretary from continuing to apply special procedures and requirements to the admission and employment of aliens in occupations involving the range production of livestock.

''SEC. 218B. PROCEDURE FOR ADMISSION AND EXTENSION OF STAY OF H–2A WORKERS.

''(a) PETITIONING FOR ADMISSION.—An employer, or an association acting as an agent or joint employer for its members, that seeks the admission into the United States of an H–2A worker may file a petition with the Secretary. The petition shall be accompanied by an accepted and currently valid certification provided by the Secretary of Labor under section 218(e)(2)(B) covering the petitioner.

''(b) EXPEDITED ADJUDICATION BY THE SECRETARY.—The Secretary shall establish a procedure for expedited adjudication of petitions filed under subsection (a) and within 7 working days shall, by fax, cable, or other means assuring expedited delivery, transmit a copy of notice of action on the petition to the petitioner and, in the case of approved petitions, to the appropriate immigration officer at the port of entry or United States consulate (as the case may be) where the petitioner has indicated that the alien beneficiary (or beneficiaries) will apply for a visa or admission to the United States.

''(c) CRITERIA FOR ADMISSIBILITY.—

''(1) IN GENERAL.—An H–2A worker shall be considered admissible to the United States if the alien is otherwise admissible under this section, section 218, and section 218A, and the alien is not ineligible under paragraph (2).

''(2) DISQUALIFICATION.—An alien shall be considered inadmissible to the United States and ineligible for nonimmigrant status under section 101(a)(15)(H)(ii)(a) if the alien has, at any time during the past 5 years—

''(A) violated a material provision of this section, including the requirement to promptly depart the United States when the alien's authorized period of admission under this section has expired; or

''(B) otherwise violated a term or condition of admission into the United States as a nonimmigrant, including overstaying the period of authorized admission as such a nonimmigrant.

''(3) WAIVER OF INELIGIBILITY FOR UNLAWFUL PRESENCE.—

''(A) IN GENERAL.—An alien who has not previously been admitted into the United States pursuant to this section, and who is otherwise eligible for admission in accordance with paragraphs (1) and (2), shall not be deemed inadmissible by virtue of section 212(a)(9)(B). If an alien described in the preceding sentence is present in the United States, the alien may apply from abroad for H–2A status, but may not be granted that status in the United States.

''(B) MAINTENANCE OF WAIVER.—An alien provided an initial waiver of ineligibility pursuant to subparagraph (A) shall remain eligible for such waiver unless the alien violates the terms of this section or again becomes ineligible under section 212(a)(9)(B) by virtue of unlawful presence in the United States after the date of the initial waiver of ineligibility pursuant to subparagraph (A).

''(d) PERIOD OF ADMISSION.—

''(1) IN GENERAL.—The alien shall be admitted for the period of employment in the application certified by the Secretary of Labor pursuant to section 218(e)(2)(B), not to exceed 10 months, supplemented by a period of not more than 1 week before the beginning of the period of employment for the purpose of travel to the worksite and a period of 14 days following the period of employment for the purpose of departure or extension based on a subsequent offer of employment, except that—

''(A) the alien is not authorized to be employed during such 14-day period except in the employment for which the alien was previously authorized; and

''(B) the total period of employment, including such 14-day period, may not exceed 10 months.

''(2) CONSTRUCTION.—Nothing in this subsection shall limit the authority of the Secretary to extend the stay of the alien under any other provision of this Act.

''(e) ABANDONMENT OF EMPLOYMENT.—

''(1) IN GENERAL.—An alien admitted or provided status under section

101(a)(15)(H)(ii)(a) who abandons the employment which was the basis for such admission or status shall be considered to have failed to maintain nonimmigrant status as an H–2A worker and shall depart the United States or be subject to removal under section 237(a)(1)(C)(i).

''(2) REPORT BY EMPLOYER.—The employer, or association acting as agent for the employer, shall notify the Secretary not later than 7 days after an H–2A worker prematurely abandons employment.

''(3) REMOVAL BY THE SECRETARY.—The Secretary shall promptly remove from the United States any H–2A worker who violates any term or condition of the worker's nonimmigrant status.

''(4) VOLUNTARY TERMINATION.—Notwithstanding paragraph (1), an alien may voluntarily terminate his or her employment if the alien promptly departs the United States upon termination of such employment.

''(f) REPLACEMENT OF ALIEN.—

''(1) IN GENERAL.—Upon presentation of the notice to the Secretary required by subsection (e)(2), the Secretary of State shall promptly issue a visa to, and the Secretary shall admit into the United States, an eligible alien designated by the employer to replace an H–2A worker—

''(A) who abandons or prematurely terminates employment; or

''(B) whose employment is terminated after a United States worker is employed pursuant to section 218(b)(2)(H)(iii), if the United States worker voluntarily departs before the end of the period of intended employment or if the employment termination is for a lawful job-related reason.

''(2) CONSTRUCTION.—Nothing in this subsection is intended to limit any preference required to be accorded United States workers under any other provision of this Act.

''(g) IDENTIFICATION DOCUMENT.—

''(1) IN GENERAL.—Each alien authorized to be admitted under section 101(a)(15)(H)(ii)(a) shall be provided an identification and employment eligibility document to verify eligibility for employment in the United States and verify the alien's identity.

''(2) REQUIREMENTS.—No identification and employment eligibility document may be issued which does not meet the following requirements:

''(A) The document shall be capable of reliably determining whether—

''(i) the individual with the identification and employment eligibility document whose eligibility is being verified is in fact eligible for employment;

''(ii) the individual whose eligibility is being verified is claiming the identity of another person; and

''(iii) the individual whose eligibility is being verified is authorized to be admitted into, and employed in, the United States as an H–2A worker.

''(B) The document shall be in a form that is resistant to counterfeiting and to tampering.

''(C) The document shall—

''(i) be compatible with other databases of the Secretary for the purpose of excluding aliens from benefits for which they are not eligible and determining whether the alien is unlawfully present in the United States; and

''(ii) be compatible with law enforcement databases to determine if the alien has been convicted of criminal offenses.

''(h) EXTENSION OF STAY OF H–2A ALIENS IN THE UNITED STATES.—

''(1) EXTENSION OF STAY.—If an employer seeks approval to employ an H–2A alien who is lawfully present in the United States, the petition filed by the employer or an association pursuant to subsection (a), shall request an extension of the alien's stay and a change in the alien's employment.

''(2) LIMITATION ON FILING A PETITION FOR EXTENSION OF STAY.—A petition may not be filed for an extension of an alien's stay—

''(A) for a period of more than 10 months; or

''(B) to a date that is more than 3 years after the date of the alien's last admission to the United States under this section.

''(3) WORK AUTHORIZATION UPON FILING A PETITION FOR EXTENSION OF STAY.—

''(A) IN GENERAL.—An alien who is lawfully present in the United States may commence the employment described in a petition under paragraph (1) on the date on which the petition is filed.

''(B) DEFINITION.—For purposes of subparagraph (A), the term 'file' means sending the petition by certified mail via the United States Postal Service, return receipt requested, or delivered by guaranteed commercial delivery which will provide the employer with a documented acknowledgment of the date of receipt of the petition.

''(C) HANDLING OF PETITION.—The employer shall provide a copy of the employer's petition to the alien, who shall keep the petition with the alien's identification and employment eligibility document as evidence that the petition has been filed and that the alien is authorized to work in the United States.

''(D) APPROVAL OF PETITION.—Upon approval of a petition for an extension of stay or change in the alien's authorized employment, the Secretary shall provide a new or updated employment eligibility document to the alien indicating the new validity date, after which the alien is not required to retain a copy of the petition.

''(4) LIMITATION ON EMPLOYMENT AUTHORIZATION OF ALIENS WITHOUT VALID IDENTIFICATION AND EMPLOYMENT ELIGIBILITY DOCUMENT.—An expired identification and employment eligibility document, together with a copy of a petition for extension of stay or change in the alien's authorized employment that complies with the requirements of paragraph (1), shall constitute a valid work authorization document for a period of not more than 60 days beginning on the date on which such petition is filed, after which time only a currently valid identification and employment eligibility document shall be acceptable.

''(5) LIMITATION ON AN INDIVIDUAL'S STAY IN STATUS.—

''(A) MAXIMUM PERIOD.—The maximum continuous period of authorized status as an H–2A worker (including any extensions) is 3 years.

''(B) REQUIREMENT TO REMAIN OUTSIDE THE UNITED STATES.—

''(i) IN GENERAL.—Subject to clause (ii), in the case of an alien outside the United States whose period of authorized status as an H–2A worker (including any extensions) has expired, the alien may not again apply for admission to the United States as an H–2A worker unless the alien has remained outside the United States for a continuous period equal to at least ⅕ the duration of the alien's previous period of authorized status as an H–2A worker (including any extensions).

''(ii) EXCEPTION.—Clause (i) shall not apply in the case of an alien if the alien's period of authorized status as an H–2A worker (including any extensions) was for a period of not more than 10 months and such alien has been outside the United States for at least 2 months during the 12 months preceding the date the alien again is applying for admission to the United States as an H–2A worker.

''(i) SPECIAL RULES FOR ALIENS EMPLOYED AS SHEEPHERDERS, GOAT HERDERS, DAIRY WORKERS, OR HORSE WORKERS.—Notwithstanding any provision of the Emergency Agriculture Relief Act of 2008, an alien admitted under section 101(a)(15)(H)(ii)(a) for employment as a sheepherder, goat herder, dairy worker, or horse worker—

''(1) may be admitted for an initial period of 12 months;

''(2) subject to subsection (j)(5), may have such initial period of admission extended for a period of up to 3 years; and

''(3) shall not be subject to the requirements of subsection (h)(5) (relating to periods of absence from the United States).

''(j) ADJUSTMENT TO LAWFUL PERMANENT RESIDENT STATUS FOR ALIENS EMPLOYED AS SHEEPHERDERS, GOAT HERDERS, DAIRY WORKERS, OR HORSE WORKERS.—

''(1) ELIGIBLE ALIEN.—For purposes of this subsection, the term 'eligible alien' means an alien—

''(A) having nonimmigrant status under section 101(a)(15)(H)(ii)(a) based on employment as a sheepherder, goat herder, dairy worker, or horse worker;

''(B) who has maintained such nonimmigrant status in the United States for a cumulative total of 36 months (excluding any period of absence from the United States); and

''(C) who is seeking to receive an immigrant visa under section 203(b)(3)(A)(iii).

''(2) CLASSIFICATION PETITION.—In the case of an eligible alien, the petition under section 204 for classification under section 203(b)(3)(A)(iii) may be filed by—

''(A) the alien's employer on behalf of the eligible alien; or

''(B) the eligible alien.

''(3) NO LABOR CERTIFICATION REQUIRED.—Notwithstanding section 203(b)(3)(C), no determination under section 212(a)(5)(A) is required with respect to an immigrant visa described in paragraph (1)(C) for an eligible alien.

''(4) EFFECT OF PETITION.—The filing of a petition described in paragraph (2) or an application for adjustment of status based on the approval of such a petition shall not constitute evidence of an alien's ineligibility for nonimmigrant status under section 101(a)(15)(H)(ii)(a).

''(5) EXTENSION OF STAY.—The Secretary shall extend the stay of an eligible alien having a pending or approved classification petition described in paragraph (2) in 1-year increments until a final determination is made on the alien's eligibility for adjustment of status to that of an alien lawfully admitted for permanent residence.

''(6) CONSTRUCTION.—Nothing in this subsection shall be construed to prevent an eligible alien from seeking adjustment of status in accordance with any other provision of law.

''SEC. 218C. WORKER PROTECTIONS AND LABOR STANDARDS ENFORCEMENT.

''(a) ENFORCEMENT AUTHORITY.—

''(1) INVESTIGATION OF COMPLAINTS.—

''(A) AGGRIEVED PERSON OR THIRD-PARTY COMPLAINTS.—The Secretary of Labor shall establish a process for the receipt, investigation, and disposition of complaints respecting a petitioner's failure to meet a condition specified in section 218(b), or an employer's misrepresentation of material facts in an application under section 218(a). Complaints may be filed by any aggrieved person or organization (including bargaining representatives). No investigation or hearing shall be conducted on a complaint concerning such a failure or misrepresentation unless the complaint was filed not later than 12 months after the date of the failure, or misrepresentation, respectively. The Secretary of Labor shall conduct an investigation under this subparagraph if there is reasonable cause to believe that such a failure or misrepresentation has occurred.

''(B) DETERMINATION ON COMPLAINT.—Under such process, the Secretary of Labor shall provide, within 30 days after the date such a

complaint is filed, for a determination as to whether or not a reasonable basis exists to make a finding described in subparagraph (C), (D), (E), or (G). If the Secretary of Labor determines that such a reasonable basis exists, the Secretary of Labor shall provide for notice of such determination to the interested parties and an opportunity for a hearing on the complaint, in accordance with section 556 of title 5, United States Code, within 60 days after the date of the determination. If such a hearing is requested, the Secretary of Labor shall make a finding concerning the matter not later than 60 days after the date of the hearing. In the case of similar complaints respecting the same applicant, the Secretary of Labor may consolidate the hearings under this subparagraph on such complaints.

''(C) FAILURES TO MEET CONDITIONS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, a failure to meet a condition of paragraph (1)(A), (1)(B), (1)(D), (1)(F), (2)(A), (2)(B), or (2)(G) of section 218(b), a substantial failure to meet a condition of paragraph (1)(C), (1)(E), (2)(C), (2)(D), (2)(E), or (2)(H) of section 218(b), or a material misrepresentation of fact in an application under section 218(a)—

''(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $1,000 per violation) as the Secretary of Labor determines to be appropriate; and

''(ii) the Secretary may disqualify the employer from the employment of aliens described in section 101(a)(15)(H)(ii)(a) for a period of 1 year.

''(D) WILLFUL FAILURES AND WILLFUL MISREPRESENTATIONS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b), a willful misrepresentation of a material fact in an application under section 218(a), or a violation of subsection (d)(1)—

''(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $5,000 per violation) as the Secretary of Labor determines to be appropriate;

''(ii) the Secretary of Labor may seek appropriate legal or equitable relief to effectuate the purposes of subsection (d)(1); and

''(iii) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 2 years.

''(E) DISPLACEMENT OF UNITED STATES WORKERS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b) or a willful misrepresentation of a material fact in an application under section 218(a), in the course of which failure or misrepresentation the employer displaced a United States worker employed by the employer during the period of employment on the employer's application under section 218(a) or during the period of 30 days preceding such period of employment—

''(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $15,000 per violation) as the Secretary of Labor determines to be appropriate; and

''(ii) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 3 years.

''(F) LIMITATIONS ON CIVIL MONEY PENALTIES.—The Secretary of Labor shall not impose total civil money penalties with respect to an application under section 218(a) in excess of $90,000.

''(G) FAILURES TO PAY WAGES OR REQUIRED BENEFITS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, that the employer has failed to pay the wages, or provide the housing allowance, transportation, subsistence reimbursement, or guarantee of employment, required under section 218A(b), the Secretary of Labor shall assess payment of back wages, or other required benefits, due any United States worker or H–2A worker employed by the employer in the specific employment in question. The back wages or other required benefits under section 218A(b) shall be equal to the difference between the amount that should have been paid and the amount that actually was paid to such worker.

''(2) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as limiting the authority of the Secretary of Labor to conduct any compliance investigation under any other labor law, including any law affecting migrant and seasonal agricultural workers, or, in the absence of a complaint under this section, under section 218 or 218A.

''(b) RIGHTS ENFORCEABLE BY PRIVATE RIGHT OF ACTION.—H–2A workers may enforce the following rights through the private right of action provided in subsection (c), and no other right of action shall exist under Federal or State law to enforce such rights:

''(1) The providing of housing or a housing allowance as required under section 218A(b)(1).

''(2) The reimbursement of transportation as required under section 218A(b)(2).

''(3) The payment of wages required under section 218A(b)(3) when due.

''(4) The benefits and material terms and conditions of employment expressly provided in the job offer described in section 218(a)(2), not including the assurance to comply with other Federal, State, and local labor laws described in section 218A(c), compliance with which shall be governed by the provisions of such laws.

''(5) The guarantee of employment required under section 218A(b)(4).

''(6) The motor vehicle safety requirements under section 218A(b)(5).

''(7) The prohibition of discrimination under subsection (d)(2).

''(c) PRIVATE RIGHT OF ACTION.—

''(1) MEDIATION.—Upon the filing of a complaint by an H–2A worker aggrieved by a violation of rights enforceable under subsection (b), and within 60 days of the filing of proof of service of the complaint, a party to the action may file a request with the Federal Mediation and Conciliation Service to assist the parties in reaching a satisfactory resolution of all issues involving all parties to the dispute. Upon a filing of such request and giving of notice to the parties, the parties shall attempt mediation within the period specified in subparagraph (B).

''(A) MEDIATION SERVICES.—The Federal Mediation and Conciliation Service shall be available to assist in resolving disputes arising under subsection (b) between H–2A workers and agricultural employers without charge to the parties.

''(B) 90-DAY LIMIT.—The Federal Mediation and Conciliation Service may conduct mediation or other nonbinding dispute resolution activities for a period not to exceed 90 days beginning on the date on which the Federal Mediation and Conciliation Service receives the request for assistance unless the parties agree to an extension of this period of time.

''(C) AUTHORIZATION.—

''(i) IN GENERAL.—Subject to clause (ii), there are authorized to be appropriated to the Federal Mediation and Conciliation Service $500,000 for each fiscal year to carry out this section.

''(ii) MEDIATION.—Notwithstanding any other provision of law, the Director of the Federal Mediation and Conciliation Service is authorized to conduct the mediation or other dispute resolution activities from any other appropriated funds available to the Director and to reimburse such appropriated funds when the funds are appropriated pursuant to this authorization, such reimbursement to be credited to appropriations currently available at the time of receipt.

''(2) MAINTENANCE OF CIVIL ACTION IN DISTRICT COURT BY AGGRIEVED PERSON.—An H–2A worker aggrieved by a violation of rights enforceable under subsection (b) by an agricultural employer or other person may file suit in any district court of the United States having jurisdiction over the parties, without regard to the amount in controversy, without regard to the citizenship of the parties, and without regard to the exhaustion of any alternative administrative remedies under this Act, not later than 3 years after the date the violation occurs.

''(3) ELECTION.—An H–2A worker who has filed an administrative complaint with the Secretary of Labor may not maintain a civil action under paragraph (2) unless a complaint based on the same violation filed with the Secretary of Labor under subsection (a)(1) is withdrawn before the filing of such action, in which case the rights and remedies available under this subsection shall be exclusive.

''(4) PREEMPTION OF STATE CONTRACT RIGHTS.—Nothing in this Act shall be construed to diminish the rights and remedies of an H–2A worker under any other Federal or State law or regulation or under any collective bargaining agreement, except that no court or administrative action shall be available under any State contract law to enforce the rights created by this Act.

''(5) WAIVER OF RIGHTS PROHIBITED.—Agreements by employees purporting to waive or modify their rights under this Act shall be void as contrary to public policy, except that a waiver or modification of the rights or obligations in favor of the Secretary of Labor shall be valid for purposes of the enforcement of this Act. The preceding sentence may not be construed to prohibit agreements to settle private disputes or litigation.

''(6) AWARD OF DAMAGES OR OTHER EQUITABLE RELIEF.—

''(A) If the court finds that the respondent has intentionally violated any of the rights enforceable under subsection (b), it shall award actual damages, if any, or equitable relief.

''(B) Any civil action brought under this section shall be subject to appeal as provided in chapter 83 of title 28, United States Code.

''(7) WORKERS' COMPENSATION BENEFITS; EXCLUSIVE REMEDY.—

''(A) Notwithstanding any other provision of this section, where a State's workers' compensation law is applicable and coverage is provided for an H–2A worker, the workers' compensation benefits shall be the exclusive remedy for the loss of such worker under this section in the case of bodily injury or death in accordance with such State's workers' compensation law.

''(B) The exclusive remedy prescribed in subparagraph (A) precludes the recovery under paragraph (6) of actual damages for loss from an injury or death but does not preclude other equitable relief, except that such relief shall not include back or front pay or in any manner, directly or indirectly, expand or otherwise alter or affect—

''(i) a recovery under a State workers' compensation law; or

''(ii) rights conferred under a State workers' compensation law.

''(8) TOLLING OF STATUTE OF LIMITATIONS.—If it is determined under a State workers' compensation law that the workers' compensation law is not applicable to a claim for bodily injury or death of an H–2A worker, the statute of limitations for bringing an action for actual damages for such injury or death under subsection (c) shall be tolled for the period during which the claim for such injury or death under such State workers' compensation law was pending. The statute of limitations for an action for actual damages or other equitable relief arising out of the same transaction or occurrence as the injury or death of the H–2A worker shall be tolled for the period during which the claim for such injury or death was pending under the State workers' compensation law.

''(9) PRECLUSIVE EFFECT.—Any settlement by an H–2A worker and an H–2A employer or any person reached through the mediation process required under subsection (c)(1) shall preclude any right of action arising out of the same facts between the parties in any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

''(10) SETTLEMENTS.—Any settlement by the Secretary of Labor with an H–2A employer on behalf of an H–2A worker of a complaint filed with the Secretary of Labor under this section or any finding by the Secretary of Labor under subsection (a)(1)(B) shall preclude any right of action arising out of the same facts between the parties under any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

''(d) DISCRIMINATION PROHIBITED.—

''(1) IN GENERAL.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any other manner discriminate against an employee (which term, for purposes of this subsection, includes a former employee and an applicant for employment) because the employee has disclosed information to the employer, or to any other person, that the employee reasonably believes evidences a violation of section 218 or 218A or any rule or regulation pertaining to section 218 or 218A, or because the employee cooperates or seeks to cooperate in an investigation or other proceeding concerning the employer's compliance with the requirements of section 218 or 218A or any rule or regulation pertaining to either of such sections.

''(2) DISCRIMINATION AGAINST H–2A WORKERS.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any manner discriminate against an H–2A employee because such worker has, with just cause, filed a complaint with the Secretary of Labor regarding a denial of the rights enumerated and enforceable under subsection (b) or instituted, or caused to be instituted, a private right of action under subsection (c) regarding the denial of the rights enumerated under subsection (b), or has testified or is about to testify in any court proceeding brought under subsection (c).

''(e) AUTHORIZATION TO SEEK OTHER APPROPRIATE EMPLOYMENT.—The Secretary of Labor and the Secretary shall establish a process under which an H–2A worker who files a complaint regarding a violation of subsection (d) and is otherwise eligible to remain and work in the United States may be allowed to seek other appropriate employment in the United States for a period not to exceed the maximum period of stay authorized for such nonimmigrant classification.

''(f) ROLE OF ASSOCIATIONS.—

''(1) VIOLATION BY A MEMBER OF AN ASSOCIATION.—An employer on whose behalf an application is filed by an association acting as its agent is fully responsible for such application, and for complying with the terms and conditions of sections 218 and 218A, as though the employer had filed the application itself. If such an employer is determined, under this section, to have committed a violation, the penalty for such violation shall apply only to that member of the association unless the Secretary of Labor determines that the association or other member participated in, had knowledge, or reason to know, of the violation, in which case the penalty shall be invoked against the association or other association member as well.

''(2) VIOLATIONS BY AN ASSOCIATION ACTING AS AN EMPLOYER.—If an association filing an application as a sole or joint employer is determined to have committed a violation under this section, the penalty for such violation shall apply only to the association unless the Secretary of Labor determines that an association member or members participated in or had knowledge, or reason to know of the violation, in which case the penalty shall be invoked against the association member or members as well.

''SEC. 218D. DEFINITIONS.

''For purposes of this section and section 218, 218A, 218B, and 218C:

''(1) AGRICULTURAL EMPLOYMENT.—The term 'agricultural employment' means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 or the performance of agricultural labor or services described in section 101(a)(15)(H)(ii)(a).

''(2) BONA FIDE UNION.—The term 'bona fide union' means any organization in which employees participate and which exists for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other terms and conditions of work for agricultural employees. Such term does not include an organization formed, created, administered, supported, dominated, financed, or controlled by an employer or employer association or its agents or representatives.

''(3) DISPLACE.—The term 'displace', in the case of an application with respect to 1 or more H–2A workers by an employer, means laying off a United States worker from a job for which the H–2A worker or workers is or are sought.

''(4) ELIGIBLE.—The term 'eligible', when used with respect to an individual, means an individual who is not an unauthorized alien (as defined in section 274A).

''(5) EMPLOYER.—The term 'employer' means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

''(6) H–2A EMPLOYER.—The term 'H–2A employer' means an employer who seeks to hire 1 or more nonimmigrant aliens described in section 101(a)(15)(H)(ii)(a).

''(7) H–2A WORKER.—The term 'H–2A worker' means a nonimmigrant described in section 101(a)(15)(H)(ii)(a).

''(8) JOB OPPORTUNITY.—The term 'job opportunity' means a job opening for temporary or seasonal full-time employment at a place in the United States to which United States workers can be referred.

''(9) LAYING OFF.—

''(A) IN GENERAL.—The term 'laying off', with respect to a worker—

''(i) means to cause the worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, contract impossibility (as described in section 218A(b)(4)(D)), or temporary suspension of employment due to weather, markets, or other temporary conditions; but

''(ii) does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer (or, in the case of a placement of a worker with another employer under section 218(b)(2)(E), with either employer described in such section) at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

''(B) STATUTORY CONSTRUCTION.—Nothing in this paragraph is intended to limit an employee's rights under a collective bargaining agreement or other employment contract.

''(10) REGULATORY DROUGHT.—The term 'regulatory drought' means a decision subsequent to the filing of the application under section 218 by an entity not under the control of the employer making such filing which restricts the employer's access to water for irrigation purposes and reduces or limits the employer's ability to produce an agricultural commodity, thereby reducing the need for labor.

''(11) SEASONAL.—Labor is performed on a 'seasonal' basis if—

''(A) ordinarily, it pertains to or is of the kind exclusively performed at certain seasons or periods of the year; and

''(B) from its nature, it may not be continuous or carried on throughout the year.

''(12) SECRETARY.—Except as otherwise provided, the term 'Secretary' means the Secretary of Homeland Security.

''(13) TEMPORARY.—A worker is employed on a 'temporary' basis where the employment is intended not to exceed 10 months.

''(14) UNITED STATES WORKER.—The term 'United States worker' means any worker, whether a national of the United States, an alien lawfully admitted for permanent residence, or any other alien, who is authorized to work in the job opportunity within the United States, except an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a).''.

(b) TABLE OF CONTENTS.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by striking the item relating to section 218 and inserting the following:

''Sec. 218. H–2A employer applications.
''Sec. 218A. H–2A worker employment requirements.
''Sec. 218B. Procedure for admission and extension of stay of H–2A workers.
''Sec. 218C. Worker protections and labor standards enforcement.
''Sec. 218D. Definitions.''.

(c) SUNSET.—The amendments made by this section shall be effective during the 5-year period beginning on the date that is 1 year after the date of the enactment of this Act. Any immigration benefit provided pursuant to such amendments shall expire at the end of such 5-year period.

Subtitle C—Miscellaneous Provisions

SEC. 8031. DETERMINATION AND USE OF USER FEES.

(a) SCHEDULE OF FEES.—The Secretary shall establish and periodically adjust a schedule of fees for the employment of aliens pursuant to the amendment made by section 8021(a) and a collection process for such fees from employers. Such fees shall be the only fees chargeable to employers for services provided under such amendment.

(b) DETERMINATION OF SCHEDULE.—

(1) IN GENERAL.—The schedule under subsection (a) shall reflect a fee rate based on the number of job opportunities indicated in the employer's application under section 218 of the Immigration and Nationality Act, as amended by section 8021, and sufficient to provide for the direct costs of providing services related to an employer's authorization to employ aliens pursuant to the amendment made by section 8021(a), to include the certification of eligible employers, the issuance of documentation, and the admission of eligible aliens.

(2) PROCEDURE.—

(A) IN GENERAL.—In establishing and adjusting such a schedule, the Secretary shall comply with Federal cost accounting and fee setting standards.

(B) PUBLICATION AND COMMENT.—The Secretary shall publish in the Federal Register an initial fee schedule and associated collection process and the cost data or estimates upon which such fee schedule is based, and any subsequent amendments thereto, pursuant to which public comment shall be sought and a final rule issued.

(c) USE OF PROCEEDS.—Notwithstanding any other provision of law, all proceeds resulting from the payment of the fees pursuant to the amendment made by section 8021(a) shall be available without further appropriation and shall remain available without fiscal year limitation to reimburse the Secretary, the Secretary of State, and the Secretary of Labor for the costs of carrying out sections 218 and 218B of the Immigration and Nationality Act, as amended and added, respectively, by section 8021, and the provisions of this title.

SEC. 8032. RULEMAKING.

(a) REQUIREMENT FOR THE SECRETARY TO CONSULT.—The Secretary shall consult with the Secretary of Labor and the Secretary of Agriculture during the promulgation of all regulations to implement the duties of the Secretary under this title and the amendments made by this title.

(b) REQUIREMENT FOR THE SECRETARY OF STATE TO CONSULT.—The Secretary of State shall consult with the Secretary, the Secretary of Labor, and the Secretary of Agriculture on all regulations to implement the duties of the Secretary of State under this title and the amendments made by this title.

(c) REQUIREMENT FOR THE SECRETARY OF LABOR TO CONSULT.—The Secretary of Labor shall consult with the Secretary of Agriculture and the Secretary on all regulations to implement the duties of the Secretary of Labor under this title and the amendments made by this title.

(d) DEADLINE FOR ISSUANCE OF REGULATIONS.—All regulations to implement the duties of the Secretary, the Secretary of State, and the Secretary of Labor created under sections 218, 218A, 218B, 218C, and 218D of the Immigration and Nationality Act, as amended or added by section 8021, shall take effect on the effective date of section 8021 and shall be issued not later than 1 year after the date of enactment of this Act.

SEC. 8033. REPORTS TO CONGRESS.

(a) ANNUAL REPORT.—Not later than September 30 of each year, the Secretary shall submit a report to Congress that identifies, for the previous year—

(1) the number of job opportunities approved for employment of aliens admitted under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)), and the number of workers actually admitted, disaggregated by State and by occupation;

(2) the number of such aliens reported to have abandoned employment pursuant to subsection 218B(e)(2) of such Act;

(3) the number of such aliens who departed the United States within the period specified in subsection 218B(d) of such Act;

(4) the number of aliens who applied for adjustment of status pursuant to section 8011(a); and

(5) the number of such aliens whose status was adjusted under section 8011(a).

(b) IMPLEMENTATION REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall prepare and submit to Congress a report that describes the measures being taken and the progress made in implementing this title.

TITLE IX

TELEWORK ENHANCEMENT ACT OF 2008

SECTION 9001. SHORT TITLE.

This Act may be cited as the ''Telework Enhancement Act of 2008''.

SEC. 9002. DEFINITIONS.

In this Act:

(1) EMPLOYEE.—The term ''employee'' has the meaning given that term by section 2105 of title 5, United States Code.

(2) EXECUTIVE AGENCY.—The term ''executive agency'' has the meaning given that term by section 105 of title 5, United States Code.

(3) NONCOMPLIANT.—The term ''noncompliant'' means not conforming to the requirements under this Act.

(4) TELEWORK.—The term ''telework'' means a work arrangement in which an employee regularly performs officially assigned duties at home or other worksites geographically convenient to the residence of the employee during at least 20 percent of each pay period that the employee is performing officially assigned duties.

SEC. 9003. EXECUTIVE AGENCIES TELEWORK REQUIREMENT.

(a) TELEWORK ELIGIBILITY.—Not later than 180 days after the date of enactment of this Act, the head of each executive agency shall—

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

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

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

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

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

(2) require a written agreement between an agency manager and an employee authorized to telework in order for that employee to participate in telework;

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

(4) except in emergency situations as determined by an agency head, not apply to any employee of the agency whose official duties require daily physical presence for activity with equipment or handling of secure materials; and

(5) determine the use of telework as part of the continuity of operations plans the agency in the event of an emergency.

SEC. 9004. TRAINING AND MONITORING.

The head of each executive agency shall ensure that—

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

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

(B) all managers of teleworkers;

(2) no distinction is made between teleworkers and nonteleworkers for the purposes of performance appraisals; and

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

SEC. 9005. POLICY AND SUPPORT.

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

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

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

(2) consult with—

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

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

(c) CONTINUITY OF OPERATIONS PLANS.—During any period that an agency is operating under a continuity of operations plan, that plan shall supersede any telework policy.

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

(1) maintain a central telework website; and

(2) include on that website related—

(A) telework links;

(B) announcements;

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

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

SEC. 9006. TELEWORK MANAGING OFFICER.

(a) IN GENERAL.—

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

(2) TELEWORK COORDINATORS.—

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

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

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

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

(2) serve as—

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

(B) a resource for managers and employees; and

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

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

SEC. 9007. ANNUAL REPORT TO CONGRESS.

(a) SUBMISSION OF REPORTS.—Not later than 18 months after the date of enactment

of this Act and on an annual basis thereafter, the Director of the Office of Personnel Management shall—

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

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

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

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

(b) CONTENTS.—Each report submitted under this section shall include—

(1) the telework policy, the measures in place to carry out the policy, and an analysis of employee telework participation during the preceding 12-month period provided by each executive agency;

(2) an assessment of the progress of each agency in maximizing telework opportunities for employees of that agency without diminishing employee performance or agency operations;

(3) the definition of telework and telework policies and any modifications to such definitions;

(4) the degree of participation by employees of each agency in teleworking during the period covered by the evaluation, including—

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

(B) the number and percent of employees who engage in telework;

(C) the number and percent of eligible employees in each agency who have declined the opportunity to telework; and

(D) the number of employees who were not authorized, willing, or able to telework and the reason;

(5) the extent to which barriers to maximize telework opportunities have been identified and eliminated; and

(6) best practices in agency telework programs.

SEC. 9008. COMPLIANCE OF EXECUTIVE AGENCIES.

(a) EXECUTIVE AGENCIES.—An executive agency shall be in compliance with this Act if each employee of that agency participating in telework regularly performs officially assigned duties at home or other worksites geographically convenient to the residence of the employee during at least 20 percent of each pay period that the employee is performing officially assigned duties.

(b) AGENCY MANAGER REPORTS.—Not later than 180 days after the establishment of a policy described under section 9003, and annually thereafter, each agency manager shall submit a report to the Chief Human Capital Officer and Telework Managing Officer of that agency that contains a summary of—

(1) efforts to promote telework opportunities for employees supervised by that manager; and

(2) any obstacles which hinder the ability of that manager to promote telework opportunities.

(c) CHIEF HUMAN CAPITAL OFFICER REPORTS.—

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

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

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

(B) include relevant information from the submitted reports in the annual report to Congress required under section 9007(b)(2); and

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

(d) COMPLIANCE REPORTS.—Not later than 90 days after the date of submission of each report under section 9007, the Office of Management and Budget shall submit a report to Congress that—

(1) identifies and recommends corrective actions and time frames for each executive agency that the Office of Management and Budget determines is noncompliant; and

(2) describes progress of noncompliant executive agencies, justifications of any continuing noncompliance, and any recommendations for corrective actions planned by the Office of Management and Budget or the executive agency to eliminate noncompliance.

SEC. 9009. EXTENSION OF TRAVEL EXPENSES TEST PROGRAMS.

(a) IN GENERAL.—Section 5710 of title 5, United States Code, is amended—

(1) in subsection (a)(1), by striking ''for a period not to exceed 24 months''; and

(2) in subsection (e), by striking ''7 years'' and inserting ''16 years''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as though enacted as part of the Travel and Transportation Reform Act of 1998 (Public Law 105–264; 112 Stat. 2350).

TITLE X

GENERAL PROVISIONS—THIS ACT

AVAILABILITY OF FUNDS

SEC. 10001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

EMERGENCY DESIGNATION

SEC. 10002. Each amount in each title of this Act is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

AVOIDANCE OF U.S. PAYROLL TAX CONTRIBUTIONS

SEC. 10003. None of the funds in this Act may be used by any Federal agency for a contract with any United States corporation which hires United States employees through foreign offshore subsidiaries for purposes of avoiding United States payroll tax contributions for such employees.

EXTENSION OF EB–5 REGIONAL CENTER PILOT PROGRAM

SEC. 10004. Section 610(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is amended by striking ''for 15 years'' and inserting ''for 20 years''.

INTERIM RELIEF FOR SKILLED IMMIGRANT WORKERS

SEC. 10005. (a) RECAPTURE OF UNUSED EMPLOYMENT-BASED VISA NUMBERS.—Subsection (d) of section 106 of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note) is amended—

(1) in paragraph (1)—

(A) by inserting ''1994, 1996, 1997, 1998,'' after ''available in fiscal year'';

(B) by striking ''or 2004'' and inserting ''2004, or 2006''; and

(C) by striking ''shall be available'' and all that follows through the end and inserting ''shall be available only to—

''(A) an employment-based immigrant under paragraph (1), (2), (3)(A)(i), or (3)(A)(ii) of section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)), except for employment-based immigrants whose petitions are or have been approved based on Schedule A, Group I as defined in section 656.5 of title 20, Code of Federal Regulations; or

''(B) a spouse or child accompanying or following to join such an employment-based immigrant under section 203(d) of such Act (8 U.S.C. 1153(d)).'';

(2) in paragraph (2)—

(A) in subparagraph (A), by striking ''years 1999 through 2004'' and inserting ''year 1994 and each subsequent fiscal year''; and

(B) in subparagraph (B)—

(i) in clause (i), by striking ''(i)''; and

(ii) by striking clause (ii); and

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

''(4) EMPLOYMENT-BASED VISA RECAPTURE FEE.—A fee shall be paid in connection with any petition seeking an employment-based immigrant visa number recaptured under paragraph (1), known as the Employment-Based Visa Recapture Fee, in the amount of $1500. Such Fee may not be charged for a dependent accompanying or following to join such employment-based immigrant.''.

(b) DISPOSITION OF FEES.—

(1) IMMIGRATION EXAMINATION FEE ACCOUNT.—The fees described in paragraph (2) shall be treated as adjudication fees and deposited as offsetting receipts into the Immigration Examinations Fee Account in the Treasury of the United States under section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)).

(2) FEES DESCRIBED.—The fees described in this paragraph are the following:

(A) Any Employment-Based Visa Recapture Fee collected pursuant to paragraph (4) of section 106(d) of the American Competitiveness in the Twenty-first Century Act of 2000, as added by subsection (a)(3).

(B) Any Supplemental Adjustment of Status Application Fee collected pursuant to paragraph (3) of subsection (n) of section 245 of the Immigration and Nationality Act, as added by subsection (c)(1).

(c) RETAINING GREEN CARD APPLICANTS WORKING IN THE UNITED STATES.—

(1) IN GENERAL.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended by adding at the end the following:

''(n) ADJUSTMENT OF STATUS FOR EMPLOYMENT-BASED IMMIGRANTS.—

''(1) ELIGIBILITY.—The Secretary of Homeland Security shall provide for the filing of an adjustment application by an alien (and any eligible dependents of such alien) who has an approved or pending petition under subparagraph (E) or (F) of section 204(a)(1), regardless of whether an immigrant visa is immediately available at the time the application is filed.

''(2) VISA AVAILABILITY.—An application filed pursuant to paragraph (1) shall not be approved until an immigrant visa becomes available.

''(3) FEES.—If an application is filed pursuant to paragraph (1) at a time at which a visa is not immediately available, a fee, known as the Supplemental Adjustment of Status Application Fee, in the amount of $1500 shall be paid on behalf of the beneficiary of such petition. Such Fee may not be charged for a dependent accompanying or following to join such beneficiary.''.

(2) REPORT.—Not later than 4 years after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to Congress a report on the implementation of subsection (n) of section 245 of the Immigration and Nationality Act (8 U.S.C. 1255), as added by paragraph (1).

(3) REPEAL.—Unless a law is enacted that repeals this paragraph, the amendments made by paragraph (1) shall be repealed on

the date that is 5 years after the date of the enactment of this Act.

SEC. 10006. NURSING SHORTAGE RELIEF. (a) INCREASING VISA NUMBERS.—Section 106 of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note) is amended by adding at the end the following:

''(e) VISA SHORTAGE RELIEF FOR NURSES AND PHYSICAL THERAPISTS.—

''(1) IN GENERAL.—Subject to paragraph (2), for petitions filed during the period beginning on the date of the enactment of the Emergency Nursing Supply Relief Act and ending on September 30, 2011, for employment-based immigrants (and their family members accompanying or following to join under section 203(d) of the Immigration and Nationality Act (8 U.S.C. 1153(d)), which are or have been approved based on Schedule A, Group I as defined in section 656.5 of title 20, Code of Federal Regulations, as promulgated by the Secretary of Labor, the numerical limitations set forth in sections 201(d) and 202(a) of such Act (8 U.S.C. 1151(d) and 1152(a)) shall not apply.

''(2) LIMITATION ON NUMBER OF VISAS.—The Secretary of State may not issue more than 20,000 immigrant visa numbers in any one fiscal year (plus any available visa numbers under this paragraph not used during the preceding fiscal year) to principal beneficiaries of petitions pursuant to paragraph (1).

''(3) EXPEDITED REVIEW.—The Secretary of Homeland Security shall provide a process for reviewing and acting upon petitions with respect to immigrants described in paragraph (1) not later than 30 days after the date on which a completed petition has been filed.

''(f) FEE FOR USE OF VISAS UNDER SUBSECTION (a).—

''(1) IN GENERAL.—The Secretary of Homeland Security shall impose a fee upon each petitioning employer who uses a visa provided under subsection (e) to provide employment for an alien as a professional nurse, except that—

''(A) such fee shall be in the amount of $1,500 for each such alien nurse (but not for dependents accompanying or following to join who are not professional nurses); and

''(B) no fee shall be imposed for the use of such visas if the employer demonstrates to the Secretary that—

''(i) the employer is a health care facility that is located in a county or parish that received individual and public assistance pursuant to Major Disaster Declaration number 1603 or 1607; or

''(ii) the employer is a health care facility that has been designated as a Health Professional Shortage Area facility by the Secretary of Health and Human Services as defined in section 332 of the Public Health Service Act (42 U.S.C. 254e).

''(2) FEE COLLECTION.—A fee imposed by the Secretary of Homeland Security pursuant to paragraph (1) shall be collected by the Secretary as a condition of approval of an application for adjustment of status by the beneficiary of a petition or by the Secretary of State as a condition of issuance of a visa to such beneficiary.''.

(b) CAPITATION GRANTS TO INCREASE THE NUMBER OF NURSING FACULTY AND STUDENTS; DOMESTIC NURSING ENHANCEMENT ACCOUNT.—Part D of title VIII of the Public Health Service Act (42 U.S.C. 296p et seq.) is amended by adding at the end the following:

''SEC. 832. CAPITATION GRANTS.

''(a) IN GENERAL.—For the purpose described in subsection (b), the Secretary, acting through the Health Resources and Services Administration, shall award a grant each fiscal year in an amount determined in accordance with subsection (c) to each eligible school of nursing that submits an application in accordance with this section.

''(b) PURPOSE.—A funding agreement for a grant under this section is that the eligible school of nursing involved will expend the grant to increase the number of nursing faculty and students at the school, including by hiring new faculty, retaining current faculty, purchasing educational equipment and audiovisual laboratories, enhancing clinical laboratories, repairing and expanding infrastructure, or recruiting students.

''(c) GRANT COMPUTATION.—

''(1) AMOUNT PER STUDENT.—Subject to paragraph (2), the amount of a grant to an eligible school of nursing under this section for a fiscal year shall be the total of the following:

''(A) $1,800 for each full-time or part-time student who is enrolled at the school in a graduate program in nursing that—

''(i) leads to a master's degree, a doctoral degree, or an equivalent degree; and

''(ii) prepares individuals to serve as faculty through additional course work in education and ensuring competency in an advanced practice area.

''(B) $1,405 for each full-time or part-time student who—

''(i) is enrolled at the school in a program in nursing leading to a bachelor of science degree, a bachelor of nursing degree, a graduate degree in nursing if such program does not meet the requirements of subparagraph (A), or an equivalent degree; and

''(ii) has not more than 3 years of academic credits remaining in the program.

''(C) $966 for each full-time or part-time student who is enrolled at the school in a program in nursing leading to an associate degree in nursing or an equivalent degree.

''(2) LIMITATION.—In calculating the amount of a grant to a school under paragraph (1), the Secretary may not make a payment with respect to a particular student—

''(A) for more than 2 fiscal years in the case of a student described in paragraph (1)(A) who is enrolled in a graduate program in nursing leading to a master's degree or an equivalent degree;

''(B) for more than 4 fiscal years in the case of a student described in paragraph (1)(A) who is enrolled in a graduate program in nursing leading to a doctoral degree or an equivalent degree;

''(C) for more than 3 fiscal years in the case of a student described in paragraph (1)(B); or

''(D) for more than 2 fiscal years in the case of a student described in paragraph (1)(C).

''(d) ELIGIBILITY.—In this section, the term 'eligible school of nursing' means a school of nursing that—

''(1) is accredited by a nursing accrediting agency recognized by the Secretary of Education;

''(2) has a passage rate on the National Council Licensure Examination for Registered Nurses of not less than 80 percent for each of the 3 academic years preceding submission of the grant application; and

''(3) has a graduation rate (based on the number of students in a class who graduate relative to, for a baccalaureate program, the number of students who were enrolled in the class at the beginning of junior year or, for an associate degree program, the number of students who were enrolled in the class at the end of the first year) of not less than 80 percent for each of the 3 academic years preceding submission of the grant application.

''(e) REQUIREMENTS.—The Secretary may award a grant under this section to an eligible school of nursing only if the school gives assurances satisfactory to the Secretary that, for each academic year for which the grant is awarded, the school will comply with the following:

''(1) The school will maintain a passage rate on the National Council Licensure Examination for Registered Nurses of not less than 80 percent.

''(2) The school will maintain a graduation rate (as described in subsection (d)(3)) of not less than 80 percent.

''(3)(A) Subject to subparagraphs (B) and (C), the first-year enrollment of full-time nursing students in the school will exceed such enrollment for the preceding academic year by 5 percent or 5 students, whichever is greater.

''(B) Subparagraph (A) shall not apply to the first academic year for which a school receives a grant under this section.

''(C) With respect to any academic year, the Secretary may waive application of subparagraph (A) if—

''(i) the physical facilities at the school involved limit the school from enrolling additional students; or

''(ii) the school has increased enrollment in the school (as described in subparagraph (A)) for each of the 2 preceding academic years.

''(4) Not later than 1 year after receiving a grant under this section, the school will formulate and implement a plan to accomplish at least 2 of the following:

''(A) Establishing or significantly expanding an accelerated baccalaureate degree nursing program designed to graduate new nurses in 12 to 18 months.

''(B) Establishing cooperative intradisciplinary education among schools of nursing with a view toward shared use of technological resources, including information technology.

''(C) Establishing cooperative interdisciplinary training between schools of nursing and schools of allied health, medicine, dentistry, osteopathy, optometry, podiatry, pharmacy, public health, or veterinary medicine, including training for the use of the interdisciplinary team approach to the delivery of health services.

''(D) Integrating core competencies on evidence-based practice, quality improvements, and patient-centered care.

''(E) Increasing admissions, enrollment, and retention of qualified individuals who are financially disadvantaged.

''(F) Increasing enrollment of minority and diverse student populations.

''(G) Increasing enrollment of new graduate baccalaureate nursing students in graduate programs that educate nurse faculty members.

''(H) Developing post-baccalaureate residency programs to prepare nurses for practice in specialty areas where nursing shortages are most severe.

''(I) Increasing integration of geriatric content into the core curriculum.

''(J) Partnering with economically disadvantaged communities to provide nursing education.

''(K) Expanding the ability of nurse managed health centers to provide clinical education training sites to nursing students.

''(5) The school will submit an annual report to the Secretary that includes updated information on the school with respect to student enrollment, student retention, graduation rates, passage rates on the National Council Licensure Examination for Registered Nurses, the number of graduates employed as nursing faculty or nursing care providers within 12 months of graduation, and the number of students who are accepted into graduate programs for further nursing education.

''(6) The school will allow the Secretary to make on-site inspections, and will comply

with the Secretary's requests for information, to determine the extent to which the school is complying with the requirements of this section.

''(f) REPORTS TO CONGRESS.—The Secretary shall evaluate the results of grants under this section and submit to Congress—

''(1) not later than 18 months after the date of the enactment of this section, an interim report on such results; and

''(2) not later than September 30, 2010, a final report on such results.

''(g) APPLICATION.—An eligible school of nursing seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

''(h) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts in the Domestic Nursing Enhancement Account, established under section 833, there are authorized to be appropriated such sums as may be necessary to carry out this section.

''SEC. 833. DOMESTIC NURSING ENHANCEMENT ACCOUNT.

''(a) ESTABLISHMENT.—There is established in the general fund of the Treasury a separate account which shall be known as the 'Domestic Nursing Enhancement Account.' Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under section 106(f) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note). Nothing in this subsection shall prohibit the depositing of other moneys into the account established under this section.

''(b) USE OF FUNDS.—Amounts collected under section 106(f) of the American Competitiveness in the Twenty-first Century Act of 2000, and deposited into the account established under subsection (a) shall be used by the Secretary of Health and Human Services to carry out section 832. Such amounts shall be available for obligation only to the extent, and in the amount, provided in advance in appropriations Acts. Such amounts are authorized to remain available until expended.''.

(c) GLOBAL HEALTH CARE COOPERATION.—

(1) IN GENERAL.—Title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.) is amended by inserting after section 317 the following:

''SEC. 317A. TEMPORARY ABSENCE OF ALIENS PROVIDING HEALTH CARE IN DEVELOPING COUNTRIES.

''(a) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary of Homeland Security shall allow an eligible alien and the spouse or child of such alien to reside in a candidate country during the period that the eligible alien is working as a physician or other health care worker in a candidate country. During such period the eligible alien and such spouse or child shall be considered—

''(1) to be physically present and residing in the United States for purposes of naturalization under section 316(a); and

''(2) to meet the continuous residency requirements under section 316(b).

''(b) DEFINITIONS.—In this section:

''(1) CANDIDATE COUNTRY.—The term 'candidate country' means a country that the Secretary of State determines to be—

''(A) eligible for assistance from the International Development Association, in which the per capita income of the country is equal to or less than the historical ceiling of the International Development Association for the applicable fiscal year, as defined by the International Bank for Reconstruction and Development;

''(B) classified as a lower middle income country in the then most recent edition of the World Development Report for Reconstruction and Development published by the International Bank for Reconstruction and Development and having an income greater than the historical ceiling for International Development Association eligibility for the applicable fiscal year; or

''(C) qualified to be a candidate country due to special circumstances, including natural disasters or public health emergencies.

''(2) ELIGIBLE ALIEN.—The term 'eligible alien' means an alien who—

''(A) has been lawfully admitted to the United States for permanent residence; and

''(B) is a physician or other healthcare worker.

''(c) CONSULTATION.—The Secretary of Homeland Security shall consult with the Secretary of State in carrying out this section.

''(d) PUBLICATION.—The Secretary of State shall publish—

''(1) not later than 180 days after the date of the enactment of this section, a list of candidate countries;

''(2) an updated version of the list required by paragraph (1) not less often than once each year; and

''(3) an amendment to the list required by paragraph (1) at the time any country qualifies as a candidate country due to special circumstances under subsection (b)(1)(C).''.

(2) RULEMAKING.—

(A) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall promulgate regulations to carry out the amendments made by this subsection.

(B) CONTENT.—The regulations promulgated pursuant to paragraph (1) shall—

(i) permit an eligible alien (as defined in section 317A of the Immigration and Nationality Act, as added by paragraph (1)) and the spouse or child of the eligible alien to reside in a foreign country to work as a physician or other healthcare worker as described in subsection (a) of such section 317A for not less than a 12-month period and not more than a 24-month period, and shall permit the Secretary to extend such period for an additional period not to exceed 12 months, if the Secretary determines that such country has a continuing need for such a physician or other healthcare worker;

(ii) provide for the issuance of documents by the Secretary to such eligible alien, and such spouse or child, if appropriate, to demonstrate that such eligible alien, and such spouse or child, if appropriate, is authorized to reside in such country under such section 317A; and

(iii) provide for an expedited process through which the Secretary shall review applications for such an eligible alien to reside in a foreign country pursuant to subsection (a) of such section 317A if the Secretary of State determines a country is a candidate country pursuant to subsection (b)(1)(C) of such section 317A.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) DEFINITION.—Section 101(a)(13)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(13)(C)(ii)) is amended by adding at the end the following: ''except in the case of an eligible alien, or the spouse or child of such alien, who is authorized to be absent from the United States under section 317A,''.

(B) DOCUMENTARY REQUIREMENTS.—Section 211(b) of such Act (8 U.S.C. 1181(b)) is amended by inserting '', including an eligible alien authorized to reside in a foreign country under section 317A and the spouse or child of such eligible alien, if appropriate,'' after ''1101(a)(27)(A),''.

(C) INELIGIBLE ALIENS.—Section 212(a)(7)(A)(i)(I) of such Act (8 U.S.C. 1182(a)(7)(A)(i)(I)) is amended by inserting ''other than an eligible alien authorized to reside in a foreign country under section 317A and the spouse or child of such eligible alien, if appropriate,'' after ''Act,''.

(D) CLERICAL AMENDMENT.—The table of contents of such Act is amended by inserting after the item relating to section 317 the following:

''Sec. 317A. Temporary absence of aliens providing health care in developing countries.''.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to U.S. Citizenship and Immigration Services such sums as may be necessary to carry out this subsection and the amendments made by this subsection.

(d) ATTESTATION BY HEALTH CARE WORKERS.—

(1) ATTESTATION REQUIREMENT.—Section 212(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)) is amended by adding at the end the following:

''(E) HEALTH CARE WORKERS WITH OTHER OBLIGATIONS.—

''(i) IN GENERAL.—An alien who seeks to enter the United States for the purpose of performing labor as a physician or other health care worker is inadmissible unless the alien submits to the Secretary of Homeland Security or the Secretary of State, as appropriate, an attestation that the alien is not seeking to enter the United States for such purpose during any period in which the alien has an outstanding obligation to the government of the alien's country of origin or the alien's country of residence.

''(ii) OBLIGATION DEFINED.—In this subparagraph, the term 'obligation' means an obligation incurred as part of a valid, voluntary individual agreement in which the alien received financial assistance to defray the costs of education or training to qualify as a physician or other health care worker in consideration for a commitment to work as a physician or other health care worker in the alien's country of origin or the alien's country of residence.

''(iii) WAIVER.—The Secretary of Homeland Security may waive a finding of inadmissibility under clause (i) if the Secretary determines that—

''(I) the obligation was incurred by coercion or other improper means;

''(II) the alien and the government of the country to which the alien has an outstanding obligation have reached a valid, voluntary agreement, pursuant to which the alien's obligation has been deemed satisfied, or the alien has shown to the satisfaction of the Secretary that the alien has been unable to reach such an agreement because of coercion or other improper means; or

''(III) the obligation should not be enforced due to other extraordinary circumstances, including undue hardship that would be suffered by the alien in the absence of a waiver.''.

(2) EFFECTIVE DATE; APPLICATION.—

(A) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date that is 180 days after the date of the enactment of this Act.

(B) APPLICATION BY THE SECRETARY.—Not later than the effective date described in subparagraph (A), the Secretary of Homeland Security shall begin to carry out subparagraph (E) of section 212(a)(5) of the Immigration and Nationality Act, as added by paragraph (1), including the requirement for the attestation and the granting of a waiver described in clause (iii) of such subparagraph (E), regardless of whether regulations to implement such subparagraph have been promulgated.

SEC. 10007. NURSE TRAINING AND RETENTION DEMONSTRATION GRANTS. (a) FINDINGS.—Congress makes the following findings:

(1) America's healthcare system depends on an adequate supply of trained nurses to deliver quality patient care.

(2) Over the next 15 years, this shortage is expected to grow significantly. The Health Resources and Services Administration has projected that by 2020, there will be a shortage of nurses in every State and that overall only 64 percent of the demand for nurses will be satisfied, with a shortage of 1,016,900 nurses nationally.

(3) To avert such a shortage, today's network of healthcare workers should have access to education and support from their employers to participate in educational and training opportunities.

(4) With the appropriate education and support, incumbent healthcare workers and incumbent bedside nurses are untapped sources which can meet these needs and address the nursing shortage and provide quality care as the American population ages.

(b) PURPOSES OF GRANT PROGRAM.—It is the purpose of this section to authorize grants to—

(1) address the projected shortage of nurses by funding comprehensive programs to create a career ladder to nursing (including Certified Nurse Assistants, Licensed Practical Nurses, Licensed Vocational Nurses, and Registered Nurses) for incumbent ancillary healthcare workers;

(2) increase the capacity for educating nurses by increasing both nurse faculty and clinical opportunities through collaborative programs between staff nurse organizations, healthcare providers, and accredited schools of nursing; and

(3) provide training programs through education and training organizations jointly administered by healthcare providers and healthcare labor organizations or other organizations representing staff nurses and frontline healthcare workers, working in collaboration with accredited schools of nursing and academic institutions.

(c) GRANTS.—Not later than 6 months after the date of enactment of this Act, the Secretary of Labor (referred to in this section as the ''Secretary'') shall establish a partnership grant program to award grants to eligible entities to carry out comprehensive programs to provide education to nurses and create a pipeline to nursing for incumbent ancillary healthcare workers who wish to advance their careers, and to otherwise carry out the purposes of this section.

(d) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section an entity shall—

(1) be—

(A) a healthcare entity that is jointly administered by a healthcare employer and a labor union representing the healthcare employees of the employer and that carries out activities using labor management training funds as provided for under section 302 of the Labor-Management Relations Act, 1947 (18 U.S.C. 186(c)(6));

(B) an entity that operates a training program that is jointly administered by—

(i) one or more healthcare providers or facilities, or a trade association of healthcare providers; and

(ii) one or more organizations which represent the interests of direct care healthcare workers or staff nurses and in which the direct care healthcare workers or staff nurses have direct input as to the leadership of the organization; or

(C) a State training partnership program that consists of non-profit organizations that include equal participation from industry, including public or private employers, and labor organizations including joint labor-management training programs, and which may include representatives from local governments, worker investment agency one-stop career centers, community based organizations, community colleges, and accredited schools of nursing; and

(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(e) ADDITIONAL REQUIREMENTS FOR HEALTHCARE EMPLOYER DESCRIBED IN SUBSECTION (d).—To be eligible for a grant under this section, a healthcare employer described in subsection (d) shall demonstrate—

(1) an established program within their facility to encourage the retention of existing nurses;

(2) it provides wages and benefits to its nurses that are competitive for its market or that have been collectively bargained with a labor organization; and

(3) support for programs funded under this section through 1 or more of the following:

(A) The provision of paid leave time and continued health coverage to incumbent healthcare workers to allow their participation in nursing career ladder programs, including Certified Nurse Assistants, Licensed Practical Nurses, Licensed Vocational Nurses, and Registered Nurses.

(B) Contributions to a joint labor-management or other jointly administered training fund which administers the program involved.

(C) The provision of paid release time, incentive compensation, or continued health coverage to staff nurses who desire to work full- or part-time in a faculty position.

(D) The provision of paid release time for staff nurses to enable them to obtain a bachelor of science in nursing degree, other advanced nursing degrees, specialty training, or certification program.

(E) The payment of tuition assistance to incumbent healthcare workers.

(f) OTHER REQUIREMENTS.—

(1) MATCHING REQUIREMENT.—

(A) IN GENERAL.—The Secretary may not make a grant under this section unless the applicant involved agrees, with respect to the costs to be incurred by the applicant in carrying out the program under the grant, to make available non-Federal contributions (in cash or in kind under subparagraph (B)) toward such costs in an amount equal to not less than $1 for each $1 of Federal funds provided in the grant. Such contributions may be made directly or through donations from public or private entities, or may be provided through the cash equivalent of paid release time provided to incumbent worker students.

(B) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.—Non-Federal contributions required in subparagraph (A) may be in cash or in kind (including paid release time), fairly evaluated, including equipment or services (and excluding indirect or overhead costs).

(C) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall supplement, and not supplant, resources dedicated by an entity, or other Federal, State, or local funds available to carry out activities described in this section.

(2) REQUIRED COLLABORATION.—Entities carrying out or overseeing programs carried out with assistance provided under this section shall demonstrate collaboration with accredited schools of nursing which may include community colleges and other academic institutions providing associate, bachelor's, or advanced nursing degree programs or specialty training or certification programs.

(g) ACTIVITIES.—Amounts awarded to an entity under a grant under this section shall be used for the following:

(1) To carry out programs that provide education and training to establish nursing career ladders to educate incumbent healthcare workers to become nurses (including Certified Nurse Assistants, Licensed Practical Nurses, Licensed Vocational Nurses, and Registered Nurses). Such programs shall include one or more of the following:

(A) Preparing incumbent workers to return to the classroom through English as a second language education, GED education, precollege counseling, college preparation classes, and support with entry level college classes that are a prerequisite to nursing.

(B) Providing tuition assistance with preference for dedicated cohort classes in community colleges, universities, accredited schools of nursing with supportive services including tutoring and counseling.

(C) Providing assistance in preparing for and meeting all nursing licensure tests and requirements.

(D) Carrying out orientation and mentorship programs that assist newly graduated nurses in adjusting to working at the bedside to ensure their retention post graduation, and ongoing programs to support nurse retention.

(E) Providing stipends for release time and continued healthcare coverage to enable incumbent healthcare workers to participate in these programs.

(2) To carry out programs that assist nurses in obtaining advanced degrees and completing specialty training or certification programs and to establish incentives for nurses to assume nurse faculty positions on a part-time or full-time basis. Such programs shall include one or more of the following:

(A) Increasing the pool of nurses with advanced degrees who are interested in teaching by funding programs that enable incumbent nurses to return to school.

(B) Establishing incentives for advanced degree bedside nurses who wish to teach in nursing programs so they can obtain a leave from their bedside position to assume a full- or part-time position as adjunct or full time faculty without the loss of salary or benefits.

(C) Collaboration with accredited schools of nursing which may include community colleges and other academic institutions providing associate, bachelor's, or advanced nursing degree programs, or specialty training or certification programs, for nurses to carry out innovative nursing programs which meet the needs of bedside nursing and healthcare providers.

(h) PREFERENCE.—In awarding grants under this section the Secretary shall give preference to programs that—

(1) provide for improving nurse retention;

(2) provide for improving the diversity of the new nurse graduates to reflect changes in the demographics of the patient population;

(3) provide for improving the quality of nursing education to improve patient care and safety;

(4) have demonstrated success in upgrading incumbent healthcare workers to become nurses or which have established effective programs or pilots to increase nurse faculty; or

(5) are modeled after or affiliated with such programs described in paragraph (4).

(i) EVALUATION.—

(1) PROGRAM EVALUATIONS.—An entity that receives a grant under this section shall annually evaluate, and submit to the Secretary a report on, the activities carried out under the grant and the outcomes of such activities. Such outcomes may include—

(A) an increased number of incumbent workers entering an accredited school of nursing and in the pipeline for nursing programs;

(B) an increasing number of graduating nurses and improved nurse graduation and licensure rates;

(C) improved nurse retention;

(D) an increase in the number of staff nurses at the healthcare facility involved;

(E) an increase in the number of nurses with advanced degrees in nursing;

(F) an increase in the number of nurse faculty;

(G) improved measures of patient quality as determined by the Secretary; and

(H) an increase in the diversity of new nurse graduates relative to the patient population.

(2) GENERAL REPORT.—Not later than September 30, 2011, the Secretary of Labor shall, using data and information from the reports received under paragraph (1), submit to Congress a report concerning the overall effectiveness of the grant program carried out under this section.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section for fiscal years 2010, 2011, and 2012, such sums as may be necessary. Funds appropriated under this subsection shall remain available until expended without fiscal year limitation.

EXPLANATORY STATEMENT

SEC. 10008. The explanatory statement printed in the Senate section of the Congressional Record on May 19, 2008, submitted by the Chairman of the Committee on Appropriations of the Senate regarding the amendments of the Senate to the House amendments to the Senate amendment to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, submitted by the Chairman of the Committee on Appropriations of the Senate, shall have the same effect with respect to the allocation of funds and implementation of titles I through XIII of this Act as if it were a report to the Senate on a bill reported by the Committee on Appropriations.

SHORT TITLE

SEC. 10009. This Act may be cited as the ''Supplemental Appropriations Act, 2008''.

SA 4790. Mr. REID proposed an amendment to amendment SA 4789 proposed by Mr. REID to the House amendment numbered 2 to the amendment of the Senate to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

Strike all after the word ''TITLE'' on page 2, line 1 and insert the following:

I

OTHER SECURITY, MILITARY CONSTRUCTION, AND INTERNATIONAL MATTERS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

For an additional amount for ''Public Law 480 Title II Grants'', $850,000,000, to remain available until expended.

For an additional amount for ''Public Law 480 Title II Grants'', $395,000,000, to become available on October 1, 2008, and to remain available until expended.

CHAPTER 2

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

OFFICE OF INSPECTOR GENERAL

For an additional amount for the Office of the Inspector General, $4,000,000, to remain available until September 30, 2009.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for ''Salaries and Expenses, General Legal Activities'', $1,648,000, to remain available until September 30, 2009.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for ''Salaries and Expenses, United States Attorneys'', $5,000,000, to remain available until September 30, 2009.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $18,621,000, to remain available until September 30, 2009.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $164,965,000, to remain available until September 30, 2009.

For an additional amount for ''Salaries and Expenses'', $82,600,000 to become available on October 1, 2008 and to remain available until September 30, 2009.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $22,666,000, to remain available until September 30, 2009.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $4,000,000, to remain available until September 30, 2009.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $9,100,000, to remain available until September 30, 2009.

CHAPTER 3

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

For an additional amount for ''Military Construction, Army'', $1,170,200,000: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds made available under this heading, $1,033,000,000 shall remain available until September 30, 2009, and $137,200,000 shall remain available until September 30, 2012: *Provided further*, That funds made available under this heading for military construction projects in Iraq shall not be obligated or expended until the Secretary of Defense certifies to the Committees on Appropriations of both Houses of Congress that none of the funds are to be used for the purpose of providing facilities for the permanent basing of U.S. military personnel in Iraq.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for ''Military Construction, Navy and Marine Corps'', $300,084,000: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds made available under this heading, $270,785,000 shall remain available until September 30, 2009, and $29,299,000 shall remain available until September 30, 2012.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for ''Military Construction, Air Force'', $361,900,000: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds made available under this heading, $324,300,000 shall remain available until September 30, 2009, and $37,600,000 shall remain available until September 30, 2012: *Provided further*, That funds made available under this heading for military construction projects in Iraq shall not be obligated or expended until the Secretary of Defense certifies to the Committees on Appropriations of both Houses of Congress that none of the funds are to be used for the purpose of providing facilities for the permanent basing of U.S. military personnel in Iraq.

MILITARY CONSTRUCTION, DEFENSE-WIDE

For an additional amount for ''Military Construction, Defense-Wide'', $27,600,000, to remain available until September 30, 2009: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for ''Family Housing Construction, Navy and Marine Corps'', $11,766,000, to remain available until September 30, 2012: *Provided*, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $1,202,886,000, to remain available until expended.

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For an additional amount for ''General Operating Expenses'', $100,000,000, to remain available until expended.

INFORMATION TECHNOLOGY SYSTEMS

For an additional amount for ''Information Technology Systems'', $20,000,000, to remain available until expended.

CONSTRUCTION, MAJOR PROJECTS

For an additional amount for ''Construction, Major Projects'', $437,100,000, to remain available until expended, which shall be for acceleration and completion of planned major construction of Level I polytrauma rehabilitation centers as identified in the Department of Veterans Affairs' Five Year Capital Plan: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and major medical facility construction not otherwise authorized by law: *Provided further*, That within 30 days of enactment of this Act the Secretary shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this heading.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1301. In addition to amounts otherwise appropriated or made available under the heading ''Military Construction, Army'', there is hereby appropriated an additional

$70,600,000, to remain available until September 30, 2012, for the acceleration and completion of child development center construction as proposed in the fiscal year 2009 budget request for the Department of the Army: *Provided,* That such funds may be obligated and expended to carry out planning and design and military construction not otherwise authorized by law.

SEC. 1302. In addition to amounts otherwise appropriated or made available under the heading ''Military Construction, Navy and Marine Corps'', there is hereby appropriated an additional $89,820,000, to remain available until September 30, 2012, for the acceleration and completion of child development and youth center construction as proposed in the fiscal year 2009 budget request for the Department of the Navy: *Provided,* That such funds may be obligated and expended to carry out planning and design and military construction not otherwise authorized by law.

SEC. 1303. In addition to amounts otherwise appropriated or made available under the heading ''Military Construction, Air Force'', there is hereby appropriated an additional $8,100,000, to remain available until September 30, 2012, for the acceleration and completion of child development center construction as proposed in the fiscal year 2009 budget request for the Department of the Air Force: *Provided,* That such funds may be obligated and expended to carry out planning and design and military construction not otherwise authorized by law.

SEC. 1304. In addition to amounts otherwise appropriated or made available under the heading ''Military Construction, Army'', there is hereby appropriated an additional $200,000,000, to remain available until September 30, 2012, to accelerate barracks improvements at Department of the Army installations: *Provided,* That such funds may be obligated and expended to carry out planning and design and barracks construction not otherwise authorized by law: *Provided further,* That within 30 days of enactment of this Act the Secretary shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for barracks construction prior to obligation.

SEC. 1305. COLLECTION OF CERTAIN INDEBTEDNESS OF MEMBERS OF THE ARMED FORCES AND VETERANS WHO DIE OF INJURY INCURRED OR AGGRAVATED IN SERVICE IN THE LINE OF DUTY IN A COMBAT ZONE. (a) LIMITATION ON AUTHORITY.—

(1) IN GENERAL.—Chapter 53 of title 38, United States Code, is amended by inserting after section 5302 the following new section:

''§ 5302A. Collection of indebtedness: certain debts of members of the Armed Forces and veterans who die of injury incurred or aggravated in the line of duty in a combat zone

''(a) LIMITATION ON AUTHORITY.—The Secretary may not collect all or any part of an amount owed to the United States by a member of the Armed Forces or veteran described in subsection (b) under any program under the laws administered by the Secretary, other than a program referred to in subsection (c), if the Secretary determines that termination of collection is in the best interest of the United States.

''(b) COVERED INDIVIDUALS.—A member of the Armed Forces or veteran described in this subsection is any member or veteran who dies as a result of an injury incurred or aggravated in the line of duty while serving in a theater of combat operations (as determined by the Secretary in consultation with the Secretary of Defense) in a war or in combat against a hostile force during a period of hostilities (as that term is defined in section 1712A(a)(2)(B) of this title) after September 11, 2001.

''(c) INAPPLICABILITY TO HOUSING AND SMALL BUSINESS BENEFIT PROGRAMS.—The limitation on authority in subsection (a) shall not apply to any amounts owed the United States under any program carried out under chapter 37 of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 53 of such title is amended by inserting after the item relating to section 5302 the following new item:

''5302A. Collection of indebtedness: certain debts of members of the Armed Forces and veterans who die of injury incurred or aggravated in the line of duty in a combat zone.''.

(b) EQUITABLE REFUND.—In any case where all or any part of an indebtedness of a covered individual, as described in section 5302A(a) of title 38, United States Code, as added by subsection (a)(1), was collected after September 11, 2001, and before the date of the enactment of this Act, and the Secretary of Veterans Affairs determines that such indebtedness would have been terminated had such section been in effect at such time, the Secretary may refund the amount so collected if the Secretary determines that the individual is equitably entitled to such refund.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to collections of indebtedness of members of the Armed Forces and veterans who die on or after September 11, 2001.

(d) SHORT TITLE.—This section may be cited as the ''Combat Veterans Debt Elimination Act of 2008''.

CHAPTER 4

SUBCHAPTER A—SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for ''Diplomatic and Consular Programs'', $1,413,700,000, to remain available until September 30, 2009, of which $212,400,000 for worldwide security protection is available until expended: *Provided,* That not more than $1,095,000,000 of the funds appropriated under this heading shall be available for diplomatic operations in Iraq: *Provided further,* That of the funds appropriated under this heading, not more than $30,000,000 shall be made available to establish and implement a coordinated civilian response capacity at the United States Department of State: *Provided further*, That of the funds appropriated under this heading, up to $5,000,000 shall be made available to establish a United States Consulate in Lhasa, Tibet: *Provided further*, That the Department of State shall not consent to the opening of a consular post in the United States by the People's Republic of China until such time as a United States Consulate in Lhasa, Tibet is established.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Office of Inspector General'', $12,500,000, to remain available until September 30, 2009: *Provided,* That $2,500,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight, and up to $5,000,000 may be transferred to the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For an additional amount for ''Educational and Cultural Exchange Programs'', $10,000,000, to remain available until September 30, 2009, of which $5,000,000 shall be for programs and activities in Africa, and $5,000,000 shall be for programs and activities in the Western Hemisphere.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for ''Embassy Security, Construction, and Maintenance'', $76,700,000, to remain available until expended, for facilities in Afghanistan.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for ''Contributions to International Organizations'', $66,000,000, to remain available until September 30, 2009.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for ''Contributions for International Peacekeeping Activities'', $383,600,000, to remain available until September 30, 2009, of which $333,600,000 shall be made available for the United Nations-African Union Hybrid Mission in Darfur.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for ''International Broadcasting Operations'', $3,000,000, to remain available until September 30, 2009.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for ''International Disaster Assistance'', $240,000,000, to remain available until expended.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for ''Operating Expenses of the United States Agency for International Development'', $149,500,000, to remain available until September 30, 2009: *Provided,* That of the funds appropriated under this heading, not more than $25,000,000 shall be made available to establish and implement a coordinated civilian response capacity at the United States Agency for International Development.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Operating Expenses of the United States Agency for International Development Office of Inspector General'', $4,000,000, to remain available until September 30, 2009.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for ''Economic Support Fund'', $1,962,500,000, to remain available until September 30, 2009, of which not more than $398,000,000 may be made available for assistance for Iraq, $150,000,000 shall be made available for assistance for Jordan to meet the needs of Iraqi refugees, and up to $53,000,000 may be made available for energy-related assistance for North Korea, notwithstanding any other provision of law: *Provided,* That not more than $200,000,000 of the funds appropriated under this heading in this subchapter shall be made available for assistance for the West Bank: *Provided further,* That funds made available pursuant to the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further,* That the funds made available under this heading for energy-related assistance for North Korea may be made

available to support the goals of the Six Party Talks Agreements after the Secretary of State determines and reports to the Committees on Appropriations that North Korea is continuing to fulfill its commitments under such agreements.

DEPARTMENT OF STATE

DEMOCRACY FUND

For an additional amount for ''Democracy Fund'', $76,000,000, to remain available until September 30, 2009, of which $75,000,000 shall be for democracy programs in Iraq and $1,000,000 shall be for democracy programs in Chad.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for ''International Narcotics Control and Law Enforcement'', $520,000,000, to remain available until September 30, 2009, of which not more than $25,000,000 shall be made available for security assistance for the West Bank: *Provided,* That of the funds appropriated under this heading, $1,000,000 shall be made available for the Office of the United Nations High Commissioner for Human Rights in Mexico.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for ''Migration and Refugee Assistance'', $330,500,000, to remain available until expended.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For an additional amount for ''United States Emergency Refugee and Migration Assistance Fund'', $36,608,000, to remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'', $10,000,000, to remain available until September 30, 2009.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

PEACEKEEPING OPERATIONS

For an additional amount for ''Peacekeeping Operations'', $10,000,000, to remain available until September 30, 2009.

SUBCHAPTER B—BRIDGE FUND APPROPRIATIONS FOR FISCAL YEAR 2009

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for ''Diplomatic and Consular Programs'', $652,400,000, which shall become available on October 1, 2008 and remain available through September 30, 2009: *Provided,* That of the funds appropriated under this heading, $78,400,000 is for worldwide security protection and shall remain available until expended: *Provided further,* That not more than $500,000,000 of the funds appropriated under this heading shall be available for diplomatic operations in Iraq.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Office of Inspector General'', $57,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009: *Provided,* That $36,500,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight and up to $5,000,000 shall be transferred to the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for ''Embassy Security, Construction, and Maintenance'', $41,300,000, which shall become available on October 1, 2008 and remain available until expended, for facilities in Afghanistan.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for ''Contributions to International Organizations'', $75,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for ''Contributions for International Peacekeeping Activities'', $150,500,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for ''International Broadcasting Operations'', $6,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

GLOBAL HEALTH AND CHILD SURVIVAL

For an additional amount for ''Global Health and Child Survival'', $75,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, for programs to combat avian influenza.

DEVELOPMENT ASSISTANCE

For an additional amount for ''Development Assistance'', $200,000,000, for assistance for developing countries to address the international food crisis notwithstanding any other provision of law, which shall become available on October 1, 2008 and remain available through September 30, 2010: *Provided,* That such assistance should be carried out consistent with the purposes of section 103(a)(1) of the Foreign Assistance Act of 1961: *Provided further,* That not more than $50,000,000 should be made available for local or regional purchase and distribution of food: *Provided further,* That the Secretary of State shall submit to the Committees on Appropriations not later than 45 days after enactment of this Act, and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of such funds to alleviate hunger and malnutrition, including a list of those countries facing significant food shortages.

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for ''International Disaster Assistance'', $200,000,000, which shall become available on October 1, 2008 and remain available until expended.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for ''Operating Expenses of the United States Agency for International Development'', $93,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Operating Expenses of the United States Agency for International Development Office of Inspector General'', $1,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for ''Economic Support Fund'', $1,132,300,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, of which not more than $110,000,000 may be made available for assistance for Iraq, $100,000,000 shall be made available for assistance for Jordan, not more than $455,000,000 may be made available for assistance for Afghanistan, not more than $150,000,000 may be made available for assistance for Pakistan, not more than $150,000,000 shall be made available for assistance for the West Bank, and $15,000,000 may be made available for energy-related assistance for North Korea, notwithstanding any other provision of law.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for ''International Narcotics Control and Law Enforcement'', $151,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, of which not more than $50,000,000 shall be made available for security assistance for the West Bank.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for ''Migration and Refugee Assistance'', $350,000,000, which shall become available on October 1, 2008 and remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'', $4,500,000, for humanitarian demining assistance for Iraq, which shall become available on October 1, 2008 and remain available through September 30, 2009.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for ''Foreign Military Financing Program'', $145,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, of which $100,000,000 shall be made available for assistance for Jordan: *Provided,* That section 3802(c) of title III, chapter 8 of Public of Law 110–28 shall apply to funds made available under this heading for assistance for Lebanon.

PEACEKEEPING OPERATIONS

For an additional amount for ''Peacekeeping Operations'', $85,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

SUBCHAPTER C—GENERAL PROVISIONS—THIS CHAPTER

EXTENSION OF AUTHORITIES

SEC. 1401. Funds appropriated by this chapter may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Year 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

IRAQ

SEC. 1402. (a) ASSET TRANSFER AGREEMENT.—

(1) None of the funds appropriated by this chapter for infrastructure maintenance activities in Iraq may be made available until the Secretary of State certifies and reports to the Committees on Appropriations that the Governments of the United States and Iraq have entered into, and are implementing, an asset transfer agreement that includes commitments by the Government of Iraq to maintain United States-funded infrastructure in Iraq.

(2) None of the funds appropriated by this chapter may be made available for the construction of prison facilities in Iraq.

(b) ANTI-CORRUPTION.—None of the funds appropriated by this chapter for rule of law programs in Iraq may be made available for assistance for the Government of Iraq until the Secretary of State certifies and reports to the Committees on Appropriations that a comprehensive anti-corruption strategy has been developed, and is being implemented, by the Government of Iraq, and the Secretary of State submits a list, in classified form if necessary, to the Committees on Appropriations of senior Iraqi officials who the Secretary has credible evidence to believe have committed corrupt acts.

(c) PROVINCIAL RECONSTRUCTION TEAMS.—None of the funds appropriated by this chapter for the operational or program expenses of Provincial Reconstruction Teams (PRTs) in Iraq may be made available until the Secretary of State submits a report to the Committees on Appropriations detailing—

(1) the strategy for the eventual winding down and close out of PRTs;

(2) anticipated costs associated with PRT operations, programs, and eventual winding down and close out, including security for PRT personnel and anticipated Government of Iraq contributions; and

(3) anticipated placement and cost estimates of future United States Consulates in Iraq.

(d) COMMUNITY STABILIZATION PROGRAM.—None of the funds appropriated by this chapter for the Community Stabilization Program in Iraq may be made available until the Secretary of State certifies and reports to the Committees on Appropriations that the United States Agency for International Development is implementing recommendations contained in Office of Inspector General Audit Report No. E–267–08–001–P to ensure accountability of funds.

(e) MATCHING REQUIREMENT.—

(1) Notwithstanding any other provision of law, funds appropriated by this chapter for assistance for Iraq shall be made available only to the extent that the Government of Iraq matches such assistance on a dollar-for-dollar basis.

(2) Subsection (e)(1) shall not apply to funds made available for—

(A) grants and cooperative agreements for programs to promote democracy and human rights;

(B) the Community Action Program and other assistance through civil society organizations;

(C) humanitarian demining; or

(D) assistance for refugees, internally displaced persons, and civilian victims of the military operations.

(3) The Secretary of State shall certify to the Committees on Appropriations prior to the initial obligation of funds pursuant to this section that the Government of Iraq has committed to obligate matching funds on a dollar-for-dollar basis. The Secretary shall submit a report to the Committees on Appropriations not later than September 30, 2008 and 180 days thereafter, detailing the amounts of funds obligated and expended by the Government of Iraq to meet the requirements of this section.

(4) Not later than 45 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing the amounts provided by the Government of Iraq since June 30, 2004, to assist Iraqi refugees in Syria, Jordan, and elsewhere, and the amount of such assistance the Government of Iraq plans to provide in fiscal year 2008. The Secretary shall work expeditiously with the Government of Iraq to establish an account within its annual budget sufficient to, at a minimum, match United States contributions on a dollar-for-dollar basis to organizations and programs for the purpose of assisting Iraqi refugees.

(f) VETTING.—Prior to the initial obligation of funds appropriated for assistance for Iraq in this chapter, the Secretary of State shall, in consultation with the heads of other Federal departments and agencies, take appropriate steps to ensure that such funds are not provided to or through any individual, private entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, or engages in, terrorist activities.

(g) IRAQ RELIEF AND RECONSTRUCTION FUND.—

(1) Notwithstanding any other provision of law, the expired balances of funds appropriated or otherwise made available under the heading ''Iraq Relief and Reconstruction Fund'' in prior Acts making appropriations for foreign operations, export financing, and related programs shall be rescinded.

(2) None of the funds made available under the heading ''Iraq Relief and Reconstruction Fund'' in prior Acts making appropriations for foreign operations, export financing, and related programs may be reprogrammed for any purpose other than that previously notified to the Committees on Appropriations prior to April 30, 2008, and none of such funds may be made available to initiate any new projects or activities.

(3) Not later than 30 days after enactment of this Act, the Secretary of State shall report to the Committees on Appropriations on the balances of obligated funds referenced in subsection (g)(1), and estimates of the amount of funds required to close out ongoing projects or for outstanding claims.

AFGHANISTAN

SEC. 1403. (a) ASSISTANCE FOR WOMEN AND GIRLS.—Funds appropriated by this chapter under the heading ''Economic Support Fund'' that are available for assistance for Afghanistan shall be made available, to the maximum extent practicable, through local Afghan provincial and municipal governments and Afghan civil society organizations and in a manner that emphasizes the participation of Afghan women and directly improves the economic, social and political status of Afghan women and girls.

(b) HIGHER EDUCATION.—Of the funds appropriated by this chapter under the heading ''Economic Support Fund'' that are made available for education programs in Afghanistan, not less than 50 percent shall be made available to support higher education and vocational training programs in law, accounting, engineering, public administration, and other disciplines necessary to rebuild the country, in which the participation of women is emphasized.

(c) CIVILIAN ASSISTANCE.—Of the funds appropriated by this chapter under the heading ''Economic Support Fund'' that are available for assistance for Afghanistan, not less than $10,000,000 shall be made available for continued support of the United States Agency for International Development's Afghan Civilian Assistance Program, and not less than $2,000,000 shall be made available for a United States contribution to the North Atlantic Treaty Organization/International Security Assistance Force Post-Operations Humanitarian Relief Fund.

(d) ANTI-CORRUPTION.—Not later than 90 days after the enactment of this Act, the Secretary of State shall—

(1) submit a report to the Committees on Appropriations on actions being taken by the Government of Afghanistan to combat corruption within the national and provincial governments, including to remove and prosecute officials who have committed corrupt acts;

(2) submit a list to the Committees on Appropriations, in classified form if necessary, of senior Afghan officials who the Secretary has credible evidence to believe have committed corrupt acts; and

(3) certify and report to the Committees on Appropriations that effective mechanisms are in place to ensure that assistance to national government ministries and provincial governments will be properly accounted for.

WAIVER OF CERTAIN SANCTIONS AGAINST NORTH KOREA

SEC. 1404. (a) ANNUAL WAIVER AUTHORITY.—

(1) IN GENERAL.—Except as provided in subsection (b), the President may waive in whole or in part, with respect to North Korea, the application of any sanction under section 102(b) of the Arms Export Control Act (22 U.S.C. 2799aa–1(b)), for the purpose of—

(A) assisting in the implementation and verification of the compliance by North Korea with its commitment, undertaken in the Joint Statement of September 19, 2005, to abandon all nuclear weapons and existing nuclear programs as part of the verifiable denuclearization of the Korean Peninsula; and

(B) promoting the elimination of the capability of North Korea to develop, deploy, transfer, or maintain weapons of mass destruction and their delivery systems.

(2) DURATION OF WAIVER.—Any waiver issued under this subsection shall expire at the end of the calendar year in which it is issued.

(b) EXCEPTIONS.—

(1) LIMITED EXCEPTION RELATED TO CERTAIN SANCTIONS AND PROHIBITIONS.—The authority under subsection (a) shall not apply with respect to a sanction or prohibition under subparagraph (B), (C), or (G) of section 102(b)(2) of the Arms Export Control Act, unless the President determines and certifies to the appropriate congressional committees that—

(A) all reasonable steps will be taken to assure that the articles or services exported or otherwise provided will not be used to improve the military capabilities of the armed forces of North Korea; and

(B) such waiver is in the national security interests of the United States.

(2) LIMITED EXCEPTION RELATED TO CERTAIN ACTIVITIES.—Unless the President determines and certifies to the appropriate congressional committees that using the authority under subsection (a) is vital to the national security interests of the United States, such authority shall not apply with respect to—

(A) an activity described in subparagraph (A) of section 102(b)(1) of the Arms Export Control Act that occurs after September 19, 2005, and before the date of the enactment of this Act;

(B) an activity described in subparagraph (C) of such section that occurs after September 19, 2005; or

(C) an activity described in subparagraph (D) of such section that occurs after the date of enactment of this Act.

(3) EXCEPTION RELATED TO CERTAIN ACTIVITIES OCCURRING AFTER DATE OF ENACTMENT.—The authority under subsection (a) shall not apply with respect to an activity described in subparagraph (A) or (B) of section 102(b)(1) of the Arms Export Control Act that occurs after the date of the enactment of this Act.

(c) NOTIFICATIONS AND REPORTS.—

(1) CONGRESSIONAL NOTIFICATION.—The President shall notify the appropriate congressional committees in writing not later than 15 days before exercising the waiver authority under subsection (a).

(2) ANNUAL REPORT.—Not later than January 31, 2009, and annually thereafter, the President shall submit to the appropriate congressional committees a report that—

(A) lists all waivers issued under subsection (a) during the preceding year;

(B) describes in detail the progress that is being made in the implementation of the commitment undertaken by North Korea, in the Joint Statement of September 19, 2005, to abandon all nuclear weapons and existing nuclear programs as part of the verifiable denuclearization of the Korean Peninsula;

(C) discusses specifically any shortcomings in the implementation by North Korea of that commitment; and

(D) lists and describes the progress and shortcomings, in the preceding year, of all other programs promoting the elimination of the capability of North Korea to develop, deploy, transfer, or maintain weapons of mass destruction or their delivery systems.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

(2) the Committees on Appropriations, Armed Services, and Foreign Affairs of the House of Representatives.

MEXICO

SEC. 1405. (a) ASSISTANCE FOR MEXICO.—Of the funds appropriated in subchapter A under the heading ''International Narcotics Control and Law Enforcement'', not more than $350,000,000 may be made available for assistance for Mexico, only to combat drug trafficking and related violence and organized crime, and for judicial reform, anti-corruption, and rule of law activities: *Provided*, That none of the funds made available under this section shall be made available for budget support or as cash payments: *Provided further*, That none of the funds made available under this section shall be available for obligation until the Secretary of State determines and reports to the Committees on Appropriations that vetting procedures are in place to ensure that members and units of the Mexican military and police forces that receive assistance pursuant to this section have not been involved in human rights violations or corrupt acts.

(b) ALLOCATION OF FUNDS.—Twenty-five percent of the funds made available by subchapter A for assistance for Mexico under the heading ''International Narcotics Control and Law Enforcement'' may be obligated only after the Secretary of State determines and reports to the Committees on Appropriations that:

(1) The Government of Mexico is—

(A) strengthening the legal authority and independence of the National Human Rights Commission;

(B) establishing police complaints commissions with authority and independence to receive complaints and carry out effective investigations;

(C) establishing an independent mechanism, with representation from civil society, to monitor programs to combat drug trafficking and related violence and organized crime, judicial reform, anti-corruption, and rule of law activities to ensure due process and the protection of freedoms of expression, association, and assembly, and rights of privacy, in accordance with Mexican and international law;

(D) is enforcing the prohibition on the use of testimony obtained through torture or other ill-treatment in violation of Mexican and international law;

(E) is ensuring that the Mexican military justice system is transferring all cases involving allegations of human rights violations by military personnel to civilian prosecutors and judicial authorities, and that the armed forces are fully cooperating with civilian prosecutors and judicial authorities in prosecuting and punishing in civilian courts members of the armed forces who have been credibly alleged to have committed such violations; and

(F) is ensuring that federal and state police forces are fully cooperating with prosecutors and judicial authorities in prosecuting and punishing members of the police forces who have been credibly alleged to have committed violations of human rights.

(2) Civilian prosecutors and judicial authorities are investigating, prosecuting and punishing members of the Mexican military and police forces who have been credibly alleged to have committed human rights violations.

(c) EXCEPTION.—Notwithstanding subsection (b), of the funds made available for assistance for Mexico pursuant to this section, $3,000,000 shall be made available for technical and other assistance to enable the Government of Mexico to implement a unified national registry of federal, state, and municipal police officers, and $5,000,000 should be made available to the Bureau of Alcohol, Tobacco, Firearms and Explosives to deploy special agents in Mexico to support Mexican law enforcement agencies in tracing seized firearms and investigating firearms trafficking cases.

(d) REPORT.—The report required in subsection (b) shall include a description of actions taken with respect to each requirement specified in subsection (b) and the cases or issues brought to the attention of the Secretary of State for which the response or action taken has been inadequate.

(e) NOTIFICATION.—Funds made available for Mexico in subchapter A shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

(f) SPENDING PLAN.—Not later than 45 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a detailed spending plan for funds appropriated or otherwise made available for Mexico in subchapter A, which shall include a strategy for combating drug trafficking and related violence and organized crime, judicial reform, preventing corruption, and strengthening the rule of law, with concrete goals, actions to be taken, budget proposals, and anticipated results.

(g) CONSULTATION.—Not later than 90 days after the date of the enactment of this Act, and every 120 days thereafter until September 30, 2010, the Secretary of State shall consult with Mexican and internationally recognized human rights organizations on progress in meeting the requirements described in subsection (b).

CENTRAL AMERICA

SEC. 1406. (a) ASSISTANCE FOR THE COUNTRIES OF CENTRAL AMERICA.—Of the funds appropriated in subchapter A under the headings ''International Narcotics Control and Law Enforcement'' and ''Economic Support Fund'', not more than $100,000,000 may be made available for assistance for the countries of Central America, Haiti, and the Dominican Republic only to combat drug trafficking and related violence and organized crime, and for judicial reform, anti-corruption, and rule of law activities: *Provided*, That of the funds appropriated under the heading ''Economic Support Fund'', $40,000,000 shall be made available through the United States Agency for International Development for an Economic and Social Development Fund for Central America: *Provided further*, That of the funds made available pursuant to this section, $5,000,000 shall be made available for assistance for Haiti and $5,000,000 shall be made available for assistance for the Dominican Republic: *Provided further*, That of the funds made available pursuant to this section that are available for assistance for Guatemala, not less than $1,000,000 shall be made available for a United States contribution to the International Commission Against Impunity in Guatemala: *Provided further*, That none of the funds shall be made available for budget support or as cash payments: *Provided further*, That, with the exception of the first and third provisos in this section, none of the funds shall be available for obligation until the Secretary of State determines and reports to the Committees on Appropriations that vetting procedures are in place to ensure that members and units of the military and police forces of the countries of Central America, Haiti and the Dominican Republic that receive assistance pursuant to this section have not been involved in human rights violations or corrupt acts.

(b) ALLOCATION OF FUNDS.—Twenty-five percent of the funds made available by subchapter A for assistance for the countries of Central America, Haiti and the Dominican Republic under the heading ''International Narcotics Control and Law Enforcement'' may be obligated only after the Secretary of State determines and reports to the Committees on Appropriations that the government of such country is—

(1) establishing a police complaints commission with authority and independence to receive complaints and carry out effective investigations;

(2) implementing reforms to improve the capacity and ensure the independence of the judiciary; and

(3) suspending, prosecuting and punishing members of the military and police forces who have been credibly alleged to have committed violations of human rights and corrupt acts.

(c) REPORT.—The report required in subsection (b) shall include actions taken with respect to each requirement and the cases or issues brought to the attention of the Secretary for which the response or action taken has been inadequate.

(d) NOTIFICATION.—Funds made available for assistance for the countries of Central America, Haiti and the Dominican Republic in subchapter A shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

(e) SPENDING PLAN.—Not later than 45 days after enactment of this Act the Secretary of State shall submit to the Committees on Appropriations a detailed spending plan for funds appropriated or otherwise made available for the countries of Central America, Haiti and the Dominican Republic in subchapter A, which shall include a strategy for combating drug trafficking and related violence and organized crime, judicial reform, preventing corruption, and strengthening the rule of law, with concrete goals, actions to be taken, budget proposals and anticipated results.

(f) CONSULTATION.—Not later than 90 days after the date of enactment of this Act and every 120 days thereafter until September 30, 2010, the Secretary of State shall consult with internationally recognized human rights organizations, and human rights organizations in the countries of Central America, Haiti and the Dominican Republic receiving assistance pursuant to this section, on progress in meeting the requirements described in subsection (b).

(g) DEFINITION.—For the purposes of this section, the term ''countries of Central America'' means Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama.

TECHNICAL PROVISIONS

SEC. 1407. (a) ADMINISTRATIVE EXPENSES.—Of the funds appropriated or otherwise made available under the heading ''Economic Support Fund'' by title III of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161), up to $7,800,000 may be made available, in addition to amounts otherwise available for such purposes, for administrative expenses of the United States Agency for International Development for alternative development programs in the Andean region of South America. These funds may be used to reimburse funds appropriated under the heading ''Operating Expenses of the United States Agency for International Development'' for obligations incurred for the purposes provided under this section prior to enactment of this Act.

(b) AUTHORITY.—Funds appropriated or otherwise made available by title III of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161) under the heading ''Economic Support Fund'' that are available for a competitively awarded grant for nuclear security initiatives relating to North Korea shall be made available notwithstanding any other provision of law.

(c) EXTENSION OF AUTHORITY.—Not more than $1,350,000 of the funds appropriated or otherwise made available under the heading ''Foreign Military Financing Program'' by the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161) that were previously transferred to and merged with ''Diplomatic and Consular Programs'' may be made available for any purposes authorized for that account, of which up to $500,000 shall be made available to increase the capacity of the United States Embassy in Mexico City to vet members and units of Mexican military and police forces that receive assistance made available by this Act and to monitor the uses of such assistance.

(d) REIMBURSEMENTS.—Any agreement for the transfer or allocation of funds appropriated by this Act, or prior Acts, entered into between the United States Agency for International Development and another agency of the United States Government under the authority of section 632(a) of the Foreign Assistance Act of 1961 or any comparable provision of law, shall include the provision of sufficient funds to fully reimburse the United States Agency for International Development for the administrative costs, including the cost of direct hire personnel, incurred in implementing and managing the programs and activities under such transfer or allocation. Such funds transferred or allocated to the United States Agency for International Development for administrative costs shall be transferred to and merged with ''Operating Expenses of the United States Agency for International Development''.

(e) EXCEPTION.—Section 10002 of title X of this Act shall not apply to this section.

(f) SPENDING AUTHORITY.—Funds made available by this chapter may be expended notwithstanding section 699K of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161).

BUYING POWER MAINTENANCE ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

SEC. 1408. (a) Of the funds appropriated under the heading ''Diplomatic and Consular Programs'' and allocated by section 3810 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28), $26,000,000 shall be transferred to and merged with funds in the ''Buying Power Maintenance Account'': *Provided*, That of the funds made available by this chapter up to an additional $74,000,000 may be transferred to and merged with the ''Buying Power Maintenance Account'', subject to the regular notification procedures of the Committees on Appropriations and in accordance with the procedures in section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706). Any funds transferred pursuant to this section shall be available, without fiscal year limitation, pursuant to section 24 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696).

(b) Section 24(b)(7) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(b)(7)) is amended by amending subparagraph (D) to read as follows:

''(D) The authorities contained in this paragraph may be exercised only with respect to funds appropriated or otherwise made available after fiscal year 2008.''.

SERBIA

SEC. 1409. (a) Of the funds made available for assistance for Serbia under the heading ''Assistance for Eastern Europe and the Baltic States'' by title III of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161), an amount equivalent to the costs of damage to the United States Embassy in Belgrade, Serbia, as estimated by the Secretary of State, resulting from the February 21, 2008 attack on such Embassy, shall be transferred to, and merged with, funds provided under the heading ''Embassy Security, Construction, and Maintenance'' to be used for necessary repairs or future construction.

(b) The requirements of subsection (a) shall not apply if the Secretary of State certifies to the Committees on Appropriations that the Government of Serbia has provided full compensation to the Department of State for damages to the United States Embassy in Belgrade, Serbia resulting from the February 21, 2008 attack on such Embassy.

(c) Section 10002 of title X of this Act shall not apply to this section.

RESCISSIONS

(INCLUDING RESCISSIONS)

SEC. 1410. (a) WORLD FOOD PROGRAM.—

(1) For an additional amount for a contribution to the World Food Program to assist farmers in countries affected by food shortages to increase crop yields, notwithstanding any other provision of law, $20,000,000, to remain available until expended.

(2) Of the funds appropriated under the heading ''Andean Counterdrug Initiative'' in prior acts making appropriations for foreign operations, export financing, and related programs, $20,000,000 are rescinded.

(b) SUDAN.—

(1) For an additional amount for ''International Narcotics Control and Law Enforcement'', $10,000,000, for assistance for Sudan to support formed police units, to remain available until September 30, 2009, and subject to prior consultation with the Committees on Appropriations.

(2) Of the funds appropriated under the heading ''International Narcotics Control and Law Enforcement'' in prior acts making appropriations for foreign operations, export financing, and related programs, $10,000,000 are rescinded.

(c) MEXICO.—Of the unobligated balances of funds appropriated for ''Iraq Relief and Reconstruction Fund'' in prior Acts making appropriations for foreign operations, export financing, and related programs, $50,000,000 are rescinded, notwithstanding section 1402(g) of this Act.

(d) HORN OF AFRICA.—

(1) For an additional amount for ''Economic Support Fund'', $40,000,000 for programs to promote development and counter extremism in the Horn of Africa, to be administered by the United States Agency for International Development, and to remain available until September 30, 2009.

(2) Of the unobligated balances of funds appropriated for ''Iraq Relief and Reconstruction Fund'' in prior Acts making appropriations for foreign operations, export financing, and related programs, $40,000,000 are rescinded, notwithstanding section 1402(g) of this Act.

(e) EXCEPTION.—Section 10002 of title X of this Act shall not apply to subsections (a) and (b) of this section.

DARFUR PEACEKEEPING

SEC. 1411. Funds appropriated under the headings ''Foreign Military Financing Program'' and ''Peacekeeping Operations'' by the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161) and by prior Acts making appropriations for foreign operations, export financing, and related programs may be used to transfer or lease helicopters necessary to the operations of the African Union/United Nations peacekeeping operation in Darfur, Sudan, that was established pursuant to United Nations Security Council Resolution 1769. The President may utilize the authority of sections 506 or 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2318, 2321j) or section 61 of the Arms Export Control Act (22 U.S.C. 2796) in order to effect such transfer or lease, notwithstanding any other provision of law except for sections 502B(a)(2), 620A and 620J of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(a)(2), 2371, 2378d) and section 40A of the Arms Export Control Act (22 U.S.C. 2780). Any exercise of the authority of section 506 of the Foreign Assistance Act pursuant to this section may include the authority to acquire helicopters by contract.

FOOD SECURITY AND CYCLONE NARGIS RELIEF

(INCLUDING RESCISSION OF FUNDS)

SEC. 1412. (a) For an additional amount for ''International Disaster Assistance'', $225,000,000, to address the international food crisis globally and for assistance for Burma to address the effects of Cyclone Nargis: *Provided*, That not less than $125,000,000 should be made available for the local or regional purchase and distribution of food to address the international food crisis: *Provided further*, That notwithstanding any other provision of law, none of the funds appropriated under this heading may be made available for assistance for the State Peace and Development Council.

(b) Of the unexpended balances of funds appropriated under the heading ''Millennium Challenge Corporation'' in prior Acts making appropriations for foreign operations, export financing and related programs, $225,000,000 are rescinded.

(c) Section 10002 of title X of this Act shall not apply to this section.

SOUTH AFRICA

SEC. 1413. The Secretary of State, after consultation with the Attorney General and the Secretary of Homeland Security, may determine, in the Secretary's sole and unreviewable discretion considering the foreign policy interests of the United States, that for activities undertaken in opposition to apartheid rule, subsections (a)(2) and (a)(3)(B) of 8 U.S.C. 1182, as amended, shall not apply.

JORDAN

(INCLUDING RESCISSION OF FUNDS)

SEC. 1414. (a) For an additional amount for ''Economic Support Fund'' for assistance for

Jordan, $100,000,000, to remain available until September 30, 2009.

(b) For an additional amount for ''Foreign Military Financing Program'' for assistance for Jordan, $200,000,000, to remain available until September 30, 2009.

(c) Of the unexpended balances of funds appropriated under the heading ''Millennium Challenge Corporation'' in prior Acts making appropriations for foreign operations, export financing, and related programs, $300,000,000 are rescinded.

(d) Section 10002 of title X of this Act shall not apply to this section.

ALLOCATIONS

SEC. 1415. (a) Funds provided by this chapter for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the explanatory statement accompanying this Act:

''Diplomatic and Consular Programs''.

''Economic Support Fund''.

(b) Any proposed increases or decreases to the amounts contained in such tables in the statement accompanying this Act shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

REPROGRAMMING AUTHORITY

SEC. 1416. Notwithstanding any other provision of law, to include minimum funding requirements or funding directives, funds made available under the headings ''Development Assistance'' and ''Economic Support Fund'' in prior Acts making appropriations for foreign operations, export financing, and related programs may be made available to address critical food shortages, subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

SPENDING PLANS AND NOTIFICATION PROCEDURES

SEC. 1417. (a) SUBCHAPTER A SPENDING PLAN.—Not later than 45 days after the enactment of this Act the Secretary of State shall submit to the Committees on Appropriations a report detailing planned expenditures for funds appropriated under the headings in subchapter A, except for funds appropriated under the headings ''International Disaster Assistance'', ''Migration and Refugee Assistance'', and ''United States Emergency Refugee and Migration Assistance Fund''.

(b) SUBCHAPTER B SPENDING PLAN.—The Secretary of State shall submit to the Committees on Appropriations not later than November 1, 2008, and prior to the initial obligation of funds, a detailed spending plan for funds appropriated or otherwise made available in subchapter B, except for funds appropriated under the headings ''International Disaster Assistance'', ''Migration and Refugee Assistance'', and ''United States Emergency Refugee and Migration Assistance Fund''.

(c) NOTIFICATION.—Funds made available in this chapter shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

TERMS AND CONDITIONS

SEC. 1418. Unless otherwise provided for in this Act, funds appropriated, or otherwise made available, by this chapter shall be available under the authorities and conditions provided in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161).

TITLE II

DOMESTIC MATTERS

CHAPTER 1

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for salaries and expenses of the Food and Drug Administration, $265,000,000, to remain available until September 30, 2009: *Provided*, That of the amount provided: (1) $119,000,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $48,500,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs; (3) $23,500,000 shall be for the Center for Biologics Evaluation and Research and related field activities in the Office of Regulatory Affairs; (4) $10,700,000 shall be for the Center for Veterinary Medicine and related field activities in the Office of Regulatory Affairs; (5) $35,500,000 shall be for the Center for Devices and Radiological Health and related field activities in the Office of Regulatory Affairs; (6) $6,000,000 shall be for the National Center for Toxicological Research; and (7) $21,800,000 shall be for other activities, including the Office of the Commissioner, the Office of Scientific and Medical Programs; the Office of Policy, Planning and Preparedness; the Office of International and Special Programs; the Office of Operations; and central services for these offices.

BUILDINGS AND FACILITIES

For an additional amount for plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $10,000,000, to remain available until expended.

CHAPTER 2

DEPARTMENT OF COMMERCE

BUREAU OF THE CENSUS

PERIODIC CENSUSES AND PROGRAMS

For an additional amount for ''Periodic Censuses and Programs'', $210,000,000, to remain available until expended, for necessary expenses related to the 2010 Decennial Census: *Provided*, That not less than $3,000,000 shall be transferred to the ''Office of Inspector General'' at the Department of Commerce for necessary expenses associated with oversight activities of the 2010 Decennial Census: *Provided further*, That $1,000,000 shall be used only for a reimbursable agreement with the Defense Contract Management Agency to provide continuing contract management oversight of the 2010 Decennial Census.

DEPARTMENT OF JUSTICE

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $50,000,000, to remain available until September 30, 2009, for the United States Marshals Service to implement and enforce the Adam Walsh Child Protection and Safety Act (Public Law 109–248) to track down and arrest non-compliant sex offenders.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $178,000,000, to remain available until September 30, 2008.

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of Omnibus Crime Control and Safe Street Act of 1968 (''1968 Act''), (except that section 1001(c), and the special rules for Puerto Rico under section 505(g), of the 1968 Act, shall not apply for purposes of this Act), $490,000,000, to remain available until September 30, 2008.

For an additional amount for ''State and Local Law Enforcement Assistance'', $100,000,000 for competitive grants, to remain available until expended, to provide assistance and equipment to local law enforcement along the Southern border and in High-Intensity Drug Trafficking Areas to combat criminal narcotic activity stemming from the Southern border, of which $10,000,000 shall be for the ATF Project Gunrunner.

SCIENCE

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RETURN TO FLIGHT

For necessary expenses, not otherwise provided for, in carrying out return to flight activities associated with the space shuttle and activities from which funds were transferred to accommodate return to flight activities, $200,000,000, to remain available until September 30, 2009 with such sums as determined by the Administrator of the National Aeronautics and Space Administration as available for transfer to and ''Science, Aeronautics, Exploration'', and ''Exploration Capabilities'' for restoration of funds previously reallocated to meet return to flight activities.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For additional expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), $150,000,000, to remain available until September 30, 2009.

EDUCATION AND HUMAN RESOURCES

For additional expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), $50,000,000, to remain available until September 30, 2009.

GENERAL PROVISION—THIS CHAPTER

SEC. 2201. (a) Section 3008(a) of the Digital Television Transition and Public Safety Act of 2005 is amended—

(1) by inserting ''(1) IN GENERAL.—'' before ''The Assistant Secretary''; and

(2) by adding at the end thereof the following:

''(2) USE OF FUNDS.—As soon as practicable after the date of enactment of this Act, the Assistant Secretary shall make a determination, which the Assistant Secretary may adjust from time to time, with respect to whether the full amount provided under paragraph (1) will be needed for payments under that paragraph. If the Assistant Secretary determines that the full amount will not be needed for payments authorized by paragraph (1), the Assistant Secretary may use the remaining amount for consumer education and technical assistance regarding the digital television transition and the availability of the digital-to-analog converter box program (in addition to any amounts expended for such purpose under 3005(c)(2)(A) of this title), including partnering with, providing grants to, and contracting with non-profit organizations or public interest groups in achieving these efforts. If the Assistant Secretary initiates such an education program, the Assistant Secretary shall develop a plan to address the educational and technical assistance needs of vulnerable populations, such as senior citizens, individuals residing in rural and remote areas, and minorities, including, where

appropriate, education plans focusing on the need for analog pass-through digital converter boxes in areas served by low power or translator stations, and shall consider the speed with which these objectives can be accomplished to the greatest public benefit.''.

(b) Section 3009(a) of the Deficit Reduction Act of 2005 (Public Law 109–171) is amended—

(1) by striking ''fiscal year 2009'' and inserting ''fiscal years 2009 through 2012''; and

(2) by striking ''no earlier than October 1, 2010'' and inserting ''on or after February 18, 2009''.

CHAPTER 3

DEPARTMENT OF ENERGY

NON-DEFENSE ENVIRONMENTAL CLEANUP

For an additional amount for ''Non-Defense Environmental Cleanup'', $5,000,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For an additional amount for ''Uranium Enrichment Decontamination and Decommissioning Fund'', $52,000,000, to remain available until expended.

SCIENCE

For an additional amount for ''Science'', $100,000,000, to remain available until expended.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For an additional amount for ''Defense Environmental Cleanup'', $243,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2301. (a) Subject to subsection (b), the Secretary of Energy shall continue the cooperative agreement numbered DE–FC 26–06NT42073, as in effect on the date of enactment of this Act, through March 30, 2009.

(b) During the period beginning on the date of enactment of this Act and ending on March 30, 2009—

(1) the agreement described in subsection (a) may not be terminated except by the mutual consent of the parties to the agreement; and

(2) funds may be expended under the agreement only to complete and provide information and documentation to the Department of Energy.

SEC. 2302. INCENTIVES FOR ADDITIONAL DOWNBLENDING OF HIGHLY ENRICHED URANIUM BY THE RUSSIAN FEDERATION. The USEC Privatization Act (42 U.S.C. 2297h et seq.) is amended—

(1) in section 3102, by striking ''For purposes'' and inserting ''Except as provided in section 3112A, for purposes'';

(2) in section 3112(a), by striking ''The Secretary'' and inserting ''Except as provided in section 3112A(d), the Secretary''; and

(3) by inserting after section 3112 the following:

''SEC. 3112A. INCENTIVES FOR ADDITIONAL DOWNBLENDING OF HIGHLY ENRICHED URANIUM BY THE RUSSIAN FEDERATION.

''(a) DEFINITIONS.—In this section:

''(1) COMPLETION OF THE RUSSIAN HEU AGREEMENT.—The term 'completion of the Russian HEU Agreement' means the importation into the United States from the Russian Federation pursuant to the Russian HEU Agreement of uranium derived from the downblending of not less than 500 metric tons of highly enriched uranium of weapons origin.

''(2) DOWNBLENDING.—The term 'downblending' means processing highly enriched uranium into a uranium product in any form in which the uranium contains less than 20 percent uranium-235.

''(3) HIGHLY ENRICHED URANIUM.—The term 'highly enriched uranium' has the meaning given that term in section 3102(4).

''(4) HIGHLY ENRICHED URANIUM OF WEAPONS ORIGIN.—The term 'highly enriched uranium of weapons origin' means highly enriched uranium that—

''(A) contains 90 percent or more uranium-235; and

''(B) is verified by the Secretary of Energy to be of weapons origin.

''(5) LOW-ENRICHED URANIUM.—The term 'low-enriched uranium' means a uranium product in any form, including uranium hexafluoride (UF_6) and uranium oxide (UO_2), in which the uranium contains less than 20 percent uranium-235, without regard to whether the uranium is incorporated into fuel rods or complete fuel assemblies.

''(6) RUSSIAN HEU AGREEMENT.—The term 'Russian HEU Agreement' has the meaning given that term in section 3102(11).

''(7) URANIUM-235.—The term 'uranium-235' means the isotope ^{235}U.

''(b) STATEMENT OF POLICY.—It is the policy of the United States to support the continued downblending of highly enriched uranium of weapons origin in the Russian Federation in order to protect the essential security interests of the United States with respect to the nonproliferation of nuclear weapons.

''(c) PROMOTION OF DOWNBLENDING OF RUSSIAN HIGHLY ENRICHED URANIUM.—

''(1) INCENTIVES FOR THE COMPLETION OF THE RUSSIAN HEU AGREEMENT.—Prior to the completion of the Russian HEU Agreement, the importation into the United States of low-enriched uranium, including low-enriched uranium obtained under contracts for separative work units, that is produced in the Russian Federation and is not imported pursuant to the Russian HEU Agreement may not exceed the following amounts:

''(A) In each of the calendar years 2008 and 2009, not more than 22,500 kilograms.

''(B) In each of the calendar years 2010 and 2011, not more than 45,000 kilograms.

''(C) In calendar year 2012 and each calendar year thereafter through the calendar year of the completion of the Russian HEU Agreement, not more than 67,500 kilograms.

''(2) INCENTIVES TO CONTINUE DOWNBLENDING RUSSIAN HIGHLY ENRICHED URANIUM AFTER THE COMPLETION OF THE RUSSIAN HEU AGREEMENT.—

''(A) IN GENERAL.—In each calendar year beginning after the calendar year of the completion of the Russian HEU Agreement and before the termination date described in paragraph (8), the importation into the United States of low-enriched uranium, including low-enriched uranium obtained under contracts for separative work units, that is produced in the Russian Federation, whether or not such low-enriched uranium is derived from highly enriched uranium of weapons origin, may not exceed 400,000 kilograms.

''(B) ADDITIONAL IMPORTS.—

''(i) IN GENERAL.—In addition to the amount authorized to be imported under subparagraph (A) and except as provided in clause (ii), 20 kilograms of low-enriched uranium, whether or not such low-enriched uranium is derived from highly enriched uranium of weapons origin, may be imported for every 3 kilograms of Russian highly enriched uranium of weapons origin that was downblended in the preceding calendar year, subject to the verification of the Secretary of Energy under paragraph (10).

''(ii) MAXIMUM ANNUAL IMPORTS.—Not more than 200,000 kilograms of low-enriched uranium may be imported in a calendar year under clause (i).

''(3) EXCEPTION WITH RESPECT TO INITIAL CORES.—The import limitations described in paragraphs (1) and (2) shall not apply to low-enriched uranium produced in the Russian Federation that is imported into the United States for use in the initial core of a new nuclear reactor.

''(4) ANNUAL ADJUSTMENT.—

''(A) IN GENERAL.—Beginning in the second calendar year after the calendar year of the completion of the Russian HEU Agreement, the Secretary of Energy shall increase or decrease the amount of low-enriched uranium that may be imported in a calendar year under paragraph (2) (including the amount of low-enriched uranium that may be imported for each kilogram of highly enriched uranium downblended under paragraph (2)(B)(i)) by a percentage equal to the percentage increase or decrease, as the case may be, in the average amount of uranium loaded into nuclear power reactors in the United States in the most recent 3-calendar-year period for which data are available, as reported by the Energy Information Administration of the Department of Energy, compared to the average amount of uranium loaded into such reactors during the 3-calendar-year period beginning on January 1, 2011, as reported by the Energy Information Administration.

''(B) PUBLICATION OF ADJUSTMENTS.—As soon as practicable, but not later than July 31 of each calendar year, the Secretary of Energy shall publish in the Federal Register the amount of low-enriched uranium that may be imported in the current calendar year after the adjustment under subparagraph (A).

''(5) AUTHORITY FOR ADDITIONAL ADJUSTMENT.—In addition to the annual adjustment under paragraph (4), the Secretary of Commerce may adjust the import limitations under paragraph (2)(A) for a calendar year if the Secretary—

''(A) in consultation with the Secretary of Energy, determines that the available supply of low-enriched uranium from the Russian Federation and the available stockpiles of uranium of the Department of Energy are insufficient to meet demand in the United States in the following calendar year; and

''(B) notifies Congress of the adjustment not less than 45 days before making the adjustment.

''(6) EQUIVALENT QUANTITIES OF LOW-ENRICHED URANIUM IMPORTS.—

''(A) IN GENERAL.—The import limitations described in paragraphs (1) and (2) are expressed in terms of uranium containing 4.4 percent uranium-235 and a tails assay of 0.3 percent.

''(B) ADJUSTMENT FOR OTHER URANIUM.—Imports of low-enriched uranium under paragraphs (1) and (2) shall count against the import limitations described in such paragraphs in amounts calculated as the quantity of low-enriched uranium containing 4.4 percent uranium-235 necessary to equal the total amount of uranium-235 contained in such imports.

''(7) DOWNBLENDING OF OTHER HIGHLY ENRICHED URANIUM.—

''(A) IN GENERAL.—The downblending of highly enriched uranium not of weapons origin may be counted for purposes of paragraph (2)(B) or (8)(B), subject to verification under paragraph (10), if the Secretary of Energy determines that the highly enriched uranium to be downblended poses a risk to the national security of the United States.

''(B) EQUIVALENT QUANTITIES OF HIGHLY ENRICHED URANIUM.—For purposes of determining the additional low-enriched uranium imports allowed under paragraph (2)(B) and for purposes of paragraph (8)(B), highly enriched uranium not of weapons origin downblended pursuant to subparagraph (A) shall count as downblended highly enriched uranium of weapons origin in amounts calculated as the quantity of highly enriched uranium containing 90 percent uranium-235 necessary to equal the total amount of uranium-235 contained in the highly enriched

uranium not of weapons origin downblended pursuant to subparagraph (A).

''(8) TERMINATION OF IMPORT RESTRICTIONS AFTER DOWNBLENDING OF AN ADDITIONAL 300 METRIC TONS OF HIGHLY ENRICHED URANIUM.—The provisions of this subsection shall terminate on the later of—

''(A) December 31, 2020; or

''(B) the date on which the Secretary of Energy certifies to Congress that, after the completion of the Russian HEU Agreement, not less than an additional 300 metric tons of Russian highly enriched uranium of weapons origin have been downblended.

''(9) SPECIAL RULE IF IMPORTATION UNDER RUSSIAN HEU AGREEMENT TERMINATES EARLY.—Notwithstanding any other provision of law, no low-enriched uranium produced in the Russian Federation that is not derived from highly enriched uranium of weapons origin, including low-enriched uranium obtained under contracts for separative work units, may be imported into the United States if, before the completion of the Russian HEU Agreement, the Secretary of Energy determines that the Russian Federation has taken deliberate action to disrupt or halt the importation into the United States of low-enriched uranium under the Russian HEU Agreement.

''(10) TECHNICAL VERIFICATIONS BY SECRETARY OF ENERGY.—

''(A) IN GENERAL.—The Secretary of Energy shall verify the origin, quantity, and uranium-235 content of the highly enriched uranium downblended for purposes of paragraphs (2)(B), (7), and (8)(B).

''(B) METHODS OF VERIFICATION.—In conducting the verification required under subparagraph (A), the Secretary of Energy shall employ the transparency measures provided for in the Russian HEU Agreement for monitoring the downblending of Russian highly enriched uranium of weapons origin and such other methods as the Secretary determines appropriate.

''(11) ENFORCEMENT OF IMPORT LIMITATIONS.—The Secretary of Commerce shall be responsible for enforcing the import limitations imposed under this subsection and shall enforce such import limitations in a manner that imposes a minimal burden on the commercial nuclear industry.

''(12) EFFECT ON OTHER AGREEMENTS.—

''(A) RUSSIAN HEU AGREEMENT.—Nothing in this section shall be construed to modify the terms of the Russian HEU Agreement, including the provisions of the Agreement relating to the amount of low-enriched uranium that may be imported into the United States.

''(B) OTHER AGREEMENTS.—If a provision of any agreement between the United States and the Russian Federation, other than the Russian HEU Agreement, relating to the importation of low-enriched uranium into the United States conflicts with a provision of this section, the provision of this section shall supersede the provision of the agreement to the extent of the conflict.

''(d) DOWNBLENDING OF HIGHLY ENRICHED URANIUM IN THE UNITED STATES.—The Secretary of Energy may sell uranium in the jurisdiction of the Secretary, including downblended highly enriched uranium, at fair market value to a licensed operator of a nuclear reactor in the United States—

''(1) in the event of a disruption in the nuclear fuel supply in the United States; or

''(2) after a determination of the Secretary under subsection (c)(9) that the Russian Federation has taken deliberate action to disrupt or halt the importation into the United States of low-enriched uranium under the Russian HEU Agreement.''.

CHAPTER 4

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2401. VETERANS BUSINESS RESOURCE CENTERS. There are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008, $600,000 for the ''Salaries and Expenses'' account of the Small Business Administration, for grants in the amount of $200,000 to veterans business resource centers that received grants from the National Veterans Business Development Corporation in fiscal years 2006 and 2007.

SEC. 2402. (a) IN GENERAL.—Section 604(a)(5) of title 28, United States Code, is amended by inserting after ''hold office during good behavior,'' the following: ''bankruptcy judges appointed under chapter 6 of title 28; territorial district court judges appointed under section 24 of the Organic Act of Guam (48 U.S.C. 1424b), section 1(b) of the Act of November 8, 1977 (48 U.S.C. 1821), or section 24(a) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1614(a)); bankruptcy judges retired under section 377 of title 28; and judges retired under section 373 of title 28,''.

(b) CONSTRUCTION.—For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, the following categories of judicial officers shall be deemed to be judges of the United States as described under section 8701 of title 5, United States Code:

(1) Bankruptcy judges appointed under chapter 6 of title 28, United States Code.

(2) Territorial district court judges appointed under section 24 of the Organic Act of Guam (48 U.S.C. 1424b), section 1(b) of the Act of November 8, 1977 (48 U.S.C. 1821), or section 24(a) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1614(a)).

(3) Bankruptcy judges retired under section 377 of title 28, United States Code.

(4) Judges retired under section 373 of title 28, United States Code.

(c) EFFECTIVE DATE.—Subsection (b) and the amendment made by subsection (a) shall apply with respect to any payment made on or after the first day of the first applicable pay period beginning on or after the date of enactment of Public Law No. 110–177.

SEC. 2403. Life Insurance for Tax Court Judges Age 65 or Over. (a) IN GENERAL.—Section 7472 of the Internal Revenue Code of 1986 is amended by inserting after the word ''imposed'' where it appears in the second sentence the following phrase: ''after April 24, 1999, that is incurred''.

(b) EFFECTIVE DATE.—This amendment shall take effect as if included in the amendment made by section 852 of the Pension Protection Act of 2006.

CHAPTER 5

GENERAL PROVISION—THIS CHAPTER

SEC. 2501. SECURE RURAL SCHOOLS ACT AMENDMENT. (a) For fiscal year 2008, payments shall be made from any revenues, fees, penalties, or miscellaneous receipts described in sections 102(b)(3) and 103(b)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note), not to exceed $100,000,000, and the payments shall be made, to the maximum extent practicable, in the same amounts, for the same purposes, and in the same manner as were made to States and counties in 2006 under that Act.

(b) There is appropriated $400,000,000, to remain available until December 31, 2008, to be used to cover any shortfall for payments made under this section from funds not otherwise appropriated.

(c) Titles II and III of Public Law 106–393 are amended, effective September 30, 2006, by striking ''2007'' and ''2008'' each place they appear and inserting ''2008'' and ''2009'', respectively.

CHAPTER 6

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For an additional amount for ''State Unemployment Insurance and Employment Service Operations'' for grants to the States for the administration of State unemployment insurance, $110,000,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, to be used for unemployment insurance workloads experienced by the States through September 30, 2008, which shall be available for Federal obligation through December 31, 2008.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

For an additional amount for ''Disease Control, Research, and Training'', $26,000,000, for the prevention of and response to medical errors including research, education and outreach activities; of which no less than $5,000,000 shall be for responding to outbreaks of communicable diseases related to the re-use of syringes in outpatient clinics, including reimbursement of local health departments for testing and genetic sequencing of persons potentially exposed.

NATIONAL INSTITUTES OF HEALTH

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Office of the Director, National Institutes of Health'', $400,000,000, which shall be used to support additional scientific research in the Institutes and Centers of the National Institutes of Health: *Provided*, That these funds are to be transferred to the Institutes and Centers on a pro-rata basis: *Provided further*, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the National Institutes of Health: *Provided further*, That none of these funds are to be transferred to the Buildings and Facilities appropriation, the Center for Scientific Review, the Center for Information Technology, the Clinical Center, the Global Fund for HIV/AIDS, Tuberculosis and Malaria, and the Office of the Director except for the NIH Common Fund within the Office of the Director, which shall receive its pro-rata share of the increase.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2601. (a) In addition to amounts otherwise made available for fiscal year 2008, there are appropriated, out of any money in the Treasury not otherwise appropriated—

(1) $500,000,000 for fiscal year 2008, for making payments under subsections (a) through (d) of section 2604 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623); and

(2) $500,000,000 for fiscal year 2008, for making allotments under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(e)) that are made in such a manner as to ensure that each State's allotment percentage is the percentage the State would receive of funds allotted under section 2604(a) of such Act (42 U.S.C. 8623(a)), if the total amount appropriated for fiscal year 2008 and available to carry out such section 2604(a) had been less than $1,975,000,000.

(b) Funds appropriated under subsection (a)(2), and funds appropriated (but not obligated) prior to the date of enactment of this Act for making payments under section 2604(e) of such Act (42 U.S.C. 8623(e)), shall be released to States not later than 30 days after the date of enactment of this Act.

SEC. 2602. REPORT ON THE IMPACT OF PAST AND FUTURE MINIMUM WAGE INCREASES. (a) IN GENERAL.—Section 8104 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28; 121 Stat. 189) is amended to read as follows:

"SEC. 8104. REPORT ON THE IMPACT OF PAST AND FUTURE MINIMUM WAGE INCREASES.

''(a) STUDY.—Beginning on the date that is 60 days after the date of enactment of this Act, and every year thereafter until the minimum wage in the respective territory is $7.25 per hour, the Government Accountability Office shall conduct a study to—

''(1) assess the impact of the minimum wage increases that occurred in American Samoa and the Commonwealth of the Northern Mariana Islands in 2007 and 2008, as required under Public Law 110–28, on the rates of employment and the living standards of workers, with full consideration of the other factors that impact rates of employment and the living standards of workers such as inflation in the cost of food, energy, and other commodities; and

''(2) estimate the impact of any further wage increases on rates of employment and the living standards of workers in American Samoa and the Commonwealth of the Northern Mariana Islands, with full consideration of the other factors that may impact the rates of employment and the living standards of workers, including assessing how the profitability of major private sector firms may be impacted by wage increases in comparison to other factors such as energy costs and the value of tax benefits.

''(b) REPORT.—No earlier than March 15, 2009, and not later than April 15, 2009, the Government Accountability Office shall transmit its first report to Congress concerning the findings of the study required under subsection (a). The Government Accountability Office shall transmit any subsequent reports to Congress concerning the findings of a study required by subsection (a) between March 15 and April 15 of each year.

''(c) ECONOMIC INFORMATION.—To provide sufficient economic data for the conduct of the study under subsection (a)—

''(1) the Department of Labor shall include and separately report on American Samoa and the Commonwealth of the Northern Mariana Islands in its household surveys and establishment surveys;

''(2) the Bureau of Economic Analysis of the Department of Commerce shall include and separately report on American Samoa and the Commonwealth of the Northern Mariana Islands in its gross domestic product data; and

''(3) the Bureau of the Census of the Department of Commerce shall include and separately report on American Samoa and the Commonwealth of the Northern Mariana Islands in its population estimates and demographic profiles from the American Community Survey,

with the same regularity and to the same extent as the Department or each Bureau collects and reports such data for the 50 States. In the event that the inclusion of American Samoa and the Commonwealth of the Northern Mariana Islands in such surveys and data compilations requires time to structure and implement, the Department of Labor, the Bureau of Economic Analysis, and the Bureau of the Census (as the case may be) shall in the interim annually report the best available data that can feasibly be secured with respect to such territories. Such interim reports shall describe the steps the Department or the respective Bureau will take to improve future data collection in the territories to achieve comparability with the data collected in the United States. The Department of Labor, the Bureau of Economic Analysis, and the Bureau of the Census, together with the Department of the Interior, shall coordinate their efforts to achieve such improvements.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act.

CHAPTER 7

RELATED AGENCY

AMERICAN BATTLE MONUMENTS COMMISSION

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

For an additional amount for ''Foreign Currency Fluctuations Account'', $10,000,000, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

CHAPTER 8

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2801. Until January 1, 2009, an aircraft used by an air carrier in the operation specified in section 47528(e)(3) of title 49, United States Code, as of April 1, 2008, may continue to be operated under the provisions of that section by an air carrier that purchases or leases that aircraft after April 1, 2008, for conduct of the same operation. Operation of that aircraft under section 47528(e)(4) is authorized for the same time period.

SEC. 2802. Title 49, United States Code, is amended—

(1) by striking ''August 31, 2008,'' in section 44302(f)(1) and inserting ''August 31, 2009,'';

(2) by striking ''December 31, 2008,'' in section 44302(f)(1) and inserting ''December 31, 2009,''; and

(3) by striking ''December 31, 2008'' in section 44303(b) and inserting ''December 31, 2009''.

TITLE III

HURRICANES KATRINA AND RITA, AND OTHER NATURAL DISASTERS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

EMERGENCY CONSERVATION PROGRAM

For the purposes of carrying out the Emergency Conservation Program, there is hereby appropriated $49,413,000, to remain available until expended.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for ''Watershed and Flood Prevention Operations'', for emergency recovery operations, $130,464,000, to remain available until expended.

GENERAL PROVISION—THIS CHAPTER

(INCLUDING RESCISSION)

SEC. 3101. Of the funds made available in the second paragraph under the heading ''Rural Utilities Service, Rural Electrification and Telecommunications Loans Program Account'' in chapter 1 of division B of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148; 119 Stat. 2746), the Secretary may use an amount not to exceed $1,000,000 of remaining unobligated funds for the cost of loan modifications to rural electric loans made or guaranteed under the Rural Electrification Act of 1936, to respond to damage caused by any weather related events since Hurricane Katrina, to remain available until expended: *Provided*, That $1,000,000 of the remaining unobligated funds under such paragraph are rescinded.

CHAPTER 2

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for economic development assistance as provided by section 3082(a) of the Water Resources Development Act of 2007 (Public Law 110–114), $75,000,000, to remain available until September 30, 2009.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for ''Operations, Research, and Facilities'' for necessary expenses related to economic impacts associated with commercial fishery failures, fishery resource disasters, and regulations on commercial fishing industries, $75,000,000, to remain available until September 30, 2009.

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for ''State and Local Law Enforcement Assistance'', for discretionary grants authorized by subpart 2 of part E, of title I of the Omnibus Crime Control and Safe Streets Act of 1968 as in effect on September 30, 2006, notwithstanding the provisions of section 511 of said Act, $75,000,000, to remain available until September 30, 2009: *Provided*, That the amount made available under this heading shall be for local law enforcement initiatives in the Gulf Coast region related to the aftermath of Hurricane Katrina.

GENERAL PROVISION—THIS CHAPTER

SEC. 3201. GULF OF MEXICO DESIGNATIONS. (a) Notwithstanding any other provision of law, no funds made available under this Act or any other Act for fiscal year 2008 or 2009 may be used to establish a national monument or otherwise convey protected status to any area in the marine environment of the Exclusive Economic Zone of the United States under the Act of June 8, 1906 (16 U.S.C. 431 et seq.).

(b) Not later than 180 days after the date of enactment of this Act, the Secretary of Commerce may, as applicable, and in compliance with all requirements under title III of the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.) (including the procedures for designation and implementation under section 304 of that Act (16 U.S.C. 1434)) with respect to any proposed protected area, submit to Congress a study of the proposed protected area.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION

For an additional amount for ''Construction'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, and for recovery from other natural disasters $5,033,345,000, to remain available until expended: *Provided*, That the Secretary of the Army is directed to use $4,362,000,000 of the funds appropriated under this heading to modify authorized projects in southeast Louisiana to provide hurricane and storm damage reduction and flood damage reduction in the greater New Orleans and surrounding areas to provide the levels of protection necessary to achieve the certification required

for participation in the National Flood Insurance Program under the base flood elevations current at the time of this construction; $1,657,000,000 shall be used for the Lake Pontchartrain and Vicinity; $1,415,000,000 shall be used for the West Bank and Vicinity project; and $1,290,000,000 shall be for elements of the Southeast Louisiana Urban Drainage project, that are within the geographic perimeter of the West Bank and Vicinity and Lake Pontchartrain and Vicinity projects to provide for interior drainage of runoff from rainfall with a 10 percent annual exceedance probability: *Provided further*, That none of this $4,362,000,000 shall become available for obligation until October 1, 2008: *Provided further*, That non-Federal cost allocations for these projects shall be consistent with the cost-sharing provisions under which the projects were originally constructed: *Provided further*, That the $1,315,000,000 non-Federal cost share for these projects shall be repaid in accordance with provisions of section 103(k) of Public Law 99–662 over a period of 30 years: *Provided further*, That the expenditure of funds as provided above may be made without regard to individual amounts or purposes except that any reallocation of funds that are necessary to accomplish the established goals are authorized, subject to the approval of the House and Senate Committees on Appropriations: *Provided further*, That the Secretary of the Army is directed to use $604,745,000 of the funds appropriated under this heading to provide hurricane and storm damage reduction, flood damage reduction and ecosystem restoration along the Gulf Coast of Mississippi and surrounding areas generally as described in the Mobile District Engineer's Mississippi Coastal Improvements Program Comprehensive Plan Report; $173,615,000 shall be used for ecosystem restoration projects; $4,550,000 shall be used for the Moss Point Municipal Relocation project; $5,000,000 shall be used for the Waveland Floodproofing project; $150,000 shall be used for the Mississippi Sound Sub Aquatic Vegetation project; $15,430,000 shall be used for the Coast-wide Dune Restoration project; $397,000,000 shall be used for the Homeowners Assistance and Relocation project; and $9,000,000 shall be used for the Forrest Heights Hurricane and Storm Damage Reduction project: *Provided further*, That none of this $604,745,000 shall become available for obligation until October 1, 2008: *Provided further*, That these projects shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: *Provided further*, That the $211,661,000 non-Federal cost share for these projects shall be repaid in accordance with the provisions of section 103(k) of Public Law 99–662 over a period of 30 years: *Provided further*, That the expenditure of funds as provided above may be made without regard to individual amounts or purposes except that any reallocation of funds that are necessary to accomplish the established goals are authorized, subject to the approval of the House and Senate Committees on Appropriations: *Provided further*, That the Secretary of the Army is directed to use $66,600,000 of the funds appropriated under this heading to address emergency situations at Corps of Engineers projects and rehabilitate and repair damages to Corps projects caused by recent natural disasters: *Provided further*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for ''Mississippi River and Tributaries'' for recovery from natural disasters, $17,700,000, to remain available until expended to repair damages to Federal projects caused by recent natural disasters.

OPERATIONS AND MAINTENANCE

For an additional amount for ''Operations and Maintenance'' to dredge navigation channels and repair other Corps projects related to natural disasters, $338,800,000, to remain available until expended: *Provided*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for ''Flood Control and Coastal Emergencies'', as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to the consequences of Hurricane Katrina and other hurricanes, and for recovery from other natural disasters, $3,368,400,000, to remain available until expended: *Provided*, That the Secretary of the Army is directed to use $2,926,000,000 of the funds appropriated under this heading to modify, at full Federal expense, authorized projects in southeast Louisiana to provide hurricane and storm damage reduction and flood damage reduction in the greater New Orleans and surrounding areas; $704,000,000 shall be used to modify the 17th Street, Orleans Avenue, and London Avenue drainage canals and install pumps and closure structures at or near the lakefront; $90,000,000 shall be used for stormproofing interior pump stations to ensure the operability of the stations during hurricanes, storms, and high water events; $459,000,000 shall be used for armoring critical elements of the New Orleans hurricane and storm damage reduction system; $53,000,000 shall be used to improve protection at the Inner Harbor Navigation Canal; $456,000,000 shall be used to replace or modify certain non-Federal levees in Plaquemines Parish to incorporate the levees into the existing New Orleans to Venice hurricane protection project; $412,000,000 shall be used for reinforcing or replacing flood walls, as necessary, in the existing Lake Pontchartrain and Vicinity project and the existing West Bank and Vicinity project to improve the performance of the systems; $393,000,000 shall be used for repair and restoration of authorized protections and floodwalls; $359,000,000 shall be to complete the authorized protection for the Lake Ponchartrain and Vicinity Project and for the West Bank and Vicinity Project: *Provided further*, That none of this $2,926,000,000 shall become available for obligation until October 1, 2008: *Provided further*, That any project using funds appropriated under this heading shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: *Provided further*, That the Secretary of the Army, within available funds, is directed to continue the NEPA alternative evaluation of all options with particular attention to Options 1, 2 and 2a of the report to Congress, dated August 30, 2007, provided in response to the requirements of chapter 3, section 4303 of Public Law 110–28, and within 90 days of enactment of this Act provide the House and Senate Committees on Appropriations cost estimates to implement Options 1, 2 and 2a of the above cited report: *Provided further*, That the expenditure of funds as provided above may be made without regard to individual amounts or purposes except that any reallocation of funds that are necessary to accomplish the established goals are authorized, subject to the approval of the House and Senate Committees on Appropriations: *Provided further*, That $348,000,000 of the amount provided under this heading shall be used for barrier island restoration and ecosystem restoration to restore historic levels of storm damage reduction to the Mississippi Gulf Coast: *Provided further*, That none of this $348,000,000 shall become available for obligation until October 1, 2008: *Provided further*, That this work shall be carried out at full Federal expense: *Provided further*, That the Secretary of the Army is directed to use $94,400,000 of the funds appropriated under this heading to support emergency operations, to repair eligible projects nationwide, and for other activities in response to recent natural disasters: *Provided further*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

GENERAL EXPENSES

For an additional amount for ''General Expenses'' for increased efforts by the Mississippi Valley Division to oversee emergency response and recovery activities related to the consequences of hurricanes in the Gulf of Mexico in 2005, $1,500,000, to remain available until expended.

CHAPTER 4

GENERAL PROVISION—THIS CHAPTER

SEC. 3401. (a) EXTENSION OF PARTICIPATION TERM FOR VICTIMS OF HURRICANE KATRINA.—

(1) RETROACTIVITY.—If a small business concern, while participating in any program or activity under the authority of paragraph (10) of section 7(j) of the Small Business Act (15 U.S.C. 636(j)), was located in a parish or county described in paragraph (2) and was affected by Hurricane Katrina of 2005, the period during which that small business concern is permitted continuing participation and eligibility in such program or activity shall be extended for an additional 24 months.

(2) PARISHES AND COUNTIES COVERED.—Paragraph (1) applies to any parish in the State of Louisiana, or any county in the State of Mississippi or in the State of Alabama, that has been designated by the Administrator as a disaster area by reason of Hurricane Katrina of 2005 under disaster declaration 10176, 10177, 10178, 10179, 10180, or 10181.

(3) REVIEW AND COMPLIANCE.—The Administrator shall ensure that the eligibility for continuing participation by each small business concern that was participating in a program or activity covered by paragraph (1) before the date of enactment of this Act is reviewed and brought into compliance with this subsection.

(b) DEFINITIONS.—In this section—

(1) the term ''Administrator'' means the Administrator of the Small Business Administration; and

(2) the term ''small business concern'' has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632).

CHAPTER 5

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3501. Notwithstanding any other provision of law, and not later than 30 days after the date of submission of a request for a single payment, the Federal Emergency Management Agency shall provide a single payment for any eligible costs under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act for any police station, fire station, or criminal justice facility that was damaged by Hurricane Katrina of 2005 or Hurricane Rita of 2005: *Provided*, That nothing in this section may be construed to alter the appeal or review process relating to assistance provided under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided further*, That the Federal Emergency Management Agency shall not reduce the amount of assistance provided under section 406(c)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act for such facilities.

SEC. 3502. Until such time as the updating of flood insurance rate maps under section 19 of the Flood Modernization Act of 2007 is completed (as determined by the district engineer) for all areas located in the St. Louis District of the Mississippi Valley Division of the Corps of Engineers, the Administrator of the Federal Emergency Management Agency shall not adjust the chargeable premium rate for flood insurance under this section for any type or class of property located in an area in that District nor require the purchase of flood insurance for any type or class of property located in an area in that District not subject to such purchase requirement prior to the updating of such national flood insurance program rate map: *Provided*, That for purposes of this section, the term ''area'' does not include any area (or subdivision thereof) that has chosen not to participate in the flood insurance program under this section as of the date of enactment of this Act.

CHAPTER 6

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Wildland Fire Management'', $125,000,000, to remain available until expended, of which $100,000,000 is for emergency wildland fire suppression activities, and of which $25,000,000 is for rehabilitation and restoration of Federal lands: *Provided*, That emergency wildland fire suppression funds are also available for repayment to other appropriations accounts from which funds were transferred for wildfire suppression.

NATIONAL PARK SERVICE

HISTORIC PRESERVATION FUND

For an additional amount for the ''Historic Preservation Fund'', for expenses related to the consequences of Hurricane Katrina, $15,000,000, to remain available until expended: *Provided*, That the funds provided under this heading shall be provided to the Louisiana State Historic Preservation Officer, after consultation with the National Park Service, for grants for restoration and rehabilitation at Jackson Barracks: *Provided further*, That no more than 5 percent of funds provided under this heading for disaster relief grants may be used for administrative expenses.

ENVIRONMENTAL PROTECTION AGENCY

STATE AND TRIBAL ASSISTANCE GRANTS

For an additional amount for ''State and Tribal Assistance Grants'', for expenses related to the consequences of Hurricane Katrina, $5,000,000, to remain available until expended, for a grant to Cameron Parish, Louisiana, for construction of drinking water, wastewater and storm water infrastructure and for water quality protection: *Provided*, That for purposes of this grant, the 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.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for ''Wildland Fire Management'', $325,000,000, to remain available until expended, of which $250,000,000 shall be available for emergency wildfire suppression, and of which $75,000,000 shall be available for rehabilitation and restoration of Federal lands and may be transferred to other Forest Service accounts as necessary: *Provided*, That emergency wildfire suppression funds are also available for repayment to other appropriations accounts from which funds were transferred for wildfire suppression.

CHAPTER 7

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR MEDICARE AND MEDICAID SERVICES

For grants to States, consistent with section 6201(a)(4) of the Deficit Reduction Act of 2005, to make payments as defined by the Secretary in the methodology used for the Provider Stabilization grants to those Medicare participating general acute care hospitals, as defined in section 1886(d) of the Social Security Act, and currently operating in Jackson, Forrest, Hancock, and Harrison Counties of Mississippi and Orleans and Jefferson Parishes of Louisiana which continue to experience severe financial exigencies and other economic losses attributable to Hurricane Katrina or its subsequent flooding, and are in need of supplemental funding to relieve the financial pressures these hospitals face resulting from increased wage rates in hiring and retaining staff in order to stabilize access to patient care, $350,000,000, to be made available until September 30, 2010.

CHAPTER 8

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for ''Military Construction, Army National Guard'', $11,503,000, to remain available until September 30, 2012: *Provided*, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds appropriated for ''Military Construction, Army National Guard'' under Public Law 109–234, $7,000,000 are hereby rescinded.

GENERAL PROVISION—THIS CHAPTER

SEC. 3801. Within the funds available in the Department of Defense Family Housing Improvement Fund as credited in accordance with 10 U.S.C. 2883(c), $10,500,000 shall be available for use at the Naval Construction Battalion Center, Gulfport, Mississippi, under the terms and conditions specified by 10 U.S.C. 2883, to remain available until expended.

CHAPTER 9

DEPARTMENT OF TRANSPORTATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

For an additional amount for the Emergency Relief Program as authorized under section 125 of title 23, United States Code, for eligible disasters occurring in fiscal years 2005 to the present, $451,126,383, to remain available until expended.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PERMANENT SUPPORTIVE HOUSING

For the provision of permanent supportive housing units as identified in the plan of the Louisiana Recovery Authority and approved by the Secretary of Housing and Urban Development, $73,000,000 to remain available until expended, of which not less than $20,000,000 shall be for project-based vouchers under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)), not less than $50,000,000 shall be for grants under the Shelter Plus Care Program as authorized under subtitle F of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11403 et seq.), and not more than $3,000,000 shall be for related administrative expenses of the State of Louisiana or its designee or designees: *Provided*, That the Secretary of Housing and Urban Development shall, upon request, make funds available under this paragraph to the State of Louisiana or its designee or designees: *Provided further*, That notwithstanding any other provision of law, for the purpose of administering the amounts provided under this paragraph, the State of Louisiana or its designee or designees may act in all respects as a public housing agency as defined in section 3(b)(6) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(6)): *Provided further*, That subparagraphs (B) and (D) of section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) shall not apply with respect to vouchers made available under this paragraph.

PROJECT-BASED RENTAL ASSISTANCE

For an additional amount to areas impacted by Hurricane Katrina in the State of Mississippi for project-based vouchers under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)13)), $20,000,000, to remain available until expended.

HOUSING TRANSITION ASSISTANCE

For an additional amount to the State of Louisiana for case management and housing transition services for families in areas impacted by Hurricanes Katrina and Rita of 2005, $3,000,000, to remain available until expended.

COMMUNITY DEVELOPMENT FUND

For an additional amount for the ''Community development fund'' for necessary expenses related to any uncompensated housing damage directly related to the consequences of Hurricane Katrina in the State of Alabama, $50,000,000, to remain available until expended: *Provided*, That prior to the obligation of funds the State shall submit a plan to the Secretary detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address uncompensated housing damage: *Provided further*, That such funds may not be used for activities reimbursable by or for which funds are made available by the Federal Emergency Management Agency: *Provided further*, That the State may use up to 5 percent of its allocation for administrative costs: *Provided further*, That in administering the funds under this paragraph, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon

a request by the State that such waiver is required to facilitate the use of such funds or guarantees, and a finding by the Secretary that such waiver would not be inconsistent with the overall purpose of the statute: *Provided further*, That the Secretary may waive the requirement that activities benefit persons of low and moderate income, except that at least 50 percent of the funds made available under this heading must benefit primarily persons of low and moderate income unless the Secretary otherwise makes a finding of compelling need: *Provided further*, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver.

(RESCISSION)

Of the unobligated balances remaining from funds appropriated under this heading by section 159 of Public Law 110–116 for the Louisiana Road Home program, $200,000,000 are rescinded.

TITLE IV—VETERANS EDUCATIONAL ASSISTANCE

SEC. 4001. SHORT TITLE.

This title may be cited as the ''Post-9/11 Veterans Educational Assistance Act of 2008''.

SEC. 4002. FINDINGS.

Congress makes the following findings:

(1) On September 11, 2001, terrorists attacked the United States, and the brave members of the Armed Forces of the United States were called to the defense of the Nation.

(2) Service on active duty in the Armed Forces has been especially arduous for the members of the Armed Forces since September 11, 2001.

(3) The United States has a proud history of offering educational assistance to millions of veterans, as demonstrated by the many ''G.I. Bills'' enacted since World War II. Educational assistance for veterans helps reduce the costs of war, assist veterans in readjusting to civilian life after wartime service, and boost the United States economy, and has a positive effect on recruitment for the Armed Forces.

(4) The current educational assistance program for veterans is outmoded and designed for peacetime service in the Armed Forces.

(5) The people of the United States greatly value military service and recognize the difficult challenges involved in readjusting to civilian life after wartime service in the Armed Forces.

(6) It is in the national interest for the United States to provide veterans who serve on active duty in the Armed Forces after September 11, 2001, with enhanced educational assistance benefits that are worthy of such service and are commensurate with the educational assistance benefits provided by a grateful Nation to veterans of World War II.

SEC. 4003. EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE ARMED FORCES WHO SERVE AFTER SEPTEMBER 11, 2001.

(a) EDUCATIONAL ASSISTANCE AUTHORIZED.—

(1) IN GENERAL.—Part III of title 38, United States Code, is amended by inserting after chapter 32 the following new chapter:

''CHAPTER 33—POST–9/11 EDUCATIONAL ASSISTANCE

''SUBCHAPTER I—DEFINITIONS

''Sec.
''3301. Definitions.
''SUBCHAPTER II—EDUCATIONAL ASSISTANCE
''3311. Educational assistance for service in the Armed Forces commencing on or after September 11, 2001: entitlement.
''3312. Educational assistance: duration.
''3313. Educational assistance: amount; payment.
''3314. Tutorial assistance.
''3315. Licensure and certification tests.
''3316. Supplemental educational assistance: members with critical skills or specialty; members serving additional service.
''3317. Public-private contributions for additional educational assistance.
''3318. Additional assistance: relocation or travel assistance for individual relocating or traveling significant distance for pursuit of a program of education.
''SUBCHAPTER III—ADMINISTRATIVE PROVISIONS
''3321. Time limitation for use of and eligibility for entitlement.
''3322. Bar to duplication of educational assistance benefits.
''3323. Administration.
''3324. Allocation of administration and costs.

''SUBCHAPTER I—DEFINITIONS

''§ 3301. Definitions

''In this chapter:

''(1) The term 'active duty' has the meanings as follows (subject to the limitations specified in sections 3002(6) and 3311(b) of this title):

''(A) In the case of members of the regular components of the Armed Forces, the meaning given such term in section 101(21)(A) of this title.

''(B) In the case of members of the reserve components of the Armed Forces, service on active duty under a call or order to active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10.

''(2) The term 'entry level and skill training' means the following:

''(A) In the case of members of the Army, Basic Combat Training and Advanced Individual Training.

''(B) In the case of members of the Navy, Recruit Training (or Boot Camp) and Skill Training (or so-called 'A' School).

''(C) In the case of members of the Air Force, Basic Military Training and Technical Training.

''(D) In the case of members of the Marine Corps, Recruit Training and Marine Corps Training (or School of Infantry Training).

''(E) In the case of members of the Coast Guard, Basic Training.

''(3) The term 'program of education' has the meaning the meaning given such term in section 3002 of this title, except to the extent otherwise provided in section 3313 of this title.

''(4) The term 'Secretary of Defense' has the meaning given such term in section 3002 of this title.

''SUBCHAPTER II—EDUCATIONAL ASSISTANCE

''§ 3311. Educational assistance for service in the Armed Forces commencing on or after September 11, 2001: entitlement

''(a) ENTITLEMENT.—Subject to subsections (d) and (e), each individual described in subsection (b) is entitled to educational assistance under this chapter.

''(b) COVERED INDIVIDUALS.—An individual described in this subsection is any individual as follows:

''(1) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 36 months on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty; or

''(ii) is discharged or released from active duty as described in subsection (c).

''(2) An individual who—

''(A) commencing on or after September 11, 2001, serves at least 30 continuous days on active duty in the Armed Forces; and

''(B) after completion of service described in subparagraph (A), is discharged or released from active duty in the Armed Forces for a service-connected disability.

''(3) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 30 months, but less than 36 months, on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 36 months; or

''(ii) before completion of service on active duty of an aggregate of 36 months, is discharged or released from active duty as described in subsection (c).

''(4) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 24 months, but less than 30 months, on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 30 months; or

''(ii) before completion of service on active duty of an aggregate of 30 months, is discharged or released from active duty as described in subsection (c).

''(5) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 18 months, but less than 24 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 24 months; or

''(ii) before completion of service on active duty of an aggregate of 24 months, is discharged or released from active duty as described in subsection (c).

''(6) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 12 months, but less than 18 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 18 months; or

''(ii) before completion of service on active duty of an aggregate of 18 months, is discharged or released from active duty as described in subsection (c).

''(7) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 6 months, but less than 12 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 12 months; or

''(ii) before completion of service on active duty of an aggregate of 12 months, is discharged or released from active duty as described in subsection (c).

''(8) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 90 days, but less than 6 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 6 months; or

''(ii) before completion of service on active duty of an aggregate of 6 months, is discharged or released from active duty as described in subsection (c).

''(c) COVERED DISCHARGES AND RELEASES.—A discharge or release from active duty of an individual described in this subsection is a discharge or release as follows:

''(1) A discharge from active duty in the Armed Forces with an honorable discharge.

''(2) A release after service on active duty in the Armed Forces characterized by the Secretary concerned as honorable service and placement on the retired list, transfer to the Fleet Reserve or Fleet Marine Corps Reserve, or placement on the temporary disability retired list.

''(3) A release from active duty in the Armed Forces for further service in a reserve component of the Armed Forces after service on active duty characterized by the Secretary concerned as honorable service.

''(4) A discharge or release from active duty in the Armed Forces for—

''(A) a medical condition which preexisted the service of the individual as described in the applicable paragraph of subsection (b) and which the Secretary determines is not service-connected;

''(B) hardship; or

''(C) a physical or mental condition that was not characterized as a disability and did not result from the individual's own willful misconduct but did interfere with the individual's performance of duty, as determined by the Secretary concerned in accordance with regulations prescribed by the Secretary of Defense.

''(d) PROHIBITION ON TREATMENT OF CERTAIN SERVICE AS PERIOD OF ACTIVE DUTY.—The following periods of service shall not be considered a part of the period of active duty on which an individual's entitlement to educational assistance under this chapter is based:

''(1) A period of service on active duty of an officer pursuant to an agreement under section 2107(b) of title 10.

''(2) A period of service on active duty of an officer pursuant to an agreement under section 4348, 6959, or 9348 of title 10.

''(3) A period of service that is terminated because of a defective enlistment and induction based on—

''(A) the individual's being a minor for purposes of service in the Armed Forces;

''(B) an erroneous enlistment or induction; or

''(C) a defective enlistment agreement.

''(e) TREATMENT OF INDIVIDUALS ENTITLED UNDER MULTIPLE PROVISIONS.—In the event an individual entitled to educational assistance under this chapter is entitled by reason of both paragraphs (4) and (5) of subsection (b), the individual shall be treated as being entitled to educational assistance under this chapter by reason of paragraph (5) of such subsection.

''§ 3312. Educational assistance: duration

''(a) IN GENERAL.—Subject to section 3695 of this title and except as provided in subsections (b) and (c), an individual entitled to educational assistance under this chapter is entitled to a number of months of educational assistance under section 3313 of this title equal to 36 months.

''(b) CONTINUING RECEIPT.—The receipt of educational assistance under section 3313 of this title by an individual entitled to educational assistance under this chapter is subject to the provisions of section 3321(b)(2) of this title.

''(c) DISCONTINUATION OF EDUCATION FOR ACTIVE DUTY.—(1) Any payment of educational assistance described in paragraph (2) shall not—

''(A) be charged against any entitlement to educational assistance of the individual concerned under this chapter; or

''(B) be counted against the aggregate period for which section 3695 of this title limits the individual's receipt of educational assistance under this chapter.

''(2) Subject to paragraph (3), the payment of educational assistance described in this paragraph is the payment of such assistance to an individual for pursuit of a course or courses under this chapter if the Secretary finds that the individual—

''(A)(i) in the case of an individual not serving on active duty, had to discontinue such course pursuit as a result of being called or ordered to serve on active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10; or

''(ii) in the case of an individual serving on active duty, had to discontinue such course pursuit as a result of being ordered to a new duty location or assignment or to perform an increased amount of work; and

''(B) failed to receive credit or lost training time toward completion of the individual's approved education, professional, or vocational objective as a result of having to discontinue, as described in subparagraph (A), the individual's course pursuit.

''(3) The period for which, by reason of this subsection, educational assistance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the portion of the period of enrollment in the course or courses from which the individual failed to receive credit or with respect to which the individual lost training time, as determined under paragraph (2)(B).

''§ 3313. Educational assistance: amount; payment

''(a) PAYMENT.—The Secretary shall pay to each individual entitled to educational assistance under this chapter who is pursuing an approved program of education (other than a program covered by subsections (e) and (f)) the amounts specified in subsection (c) to meet the expenses of such individual's subsistence, tuition, fees, and other educational costs for pursuit of such program of education.

''(b) APPROVED PROGRAMS OF EDUCATION.—A program of education is an approved program of education for purposes of this chapter if the program of education is offered by an institution of higher learning (as that term is defined in section 3452(f) of this title) and is approved for purposes of chapter 30 of this title (including approval by the State approving agency concerned).

''(c) AMOUNT OF EDUCATIONAL ASSISTANCE.—The amounts payable under this subsection for pursuit of an approved program of education are amounts as follows:

''(1) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(1) or 3311(b)(2) of this title, amounts as follows:

''(A) An amount equal to the established charges for the program of education, except that the amount payable under this subparagraph may not exceed the maximum amount of established charges regularly charged in-State students for full-time pursuit of approved programs of education for undergraduates by the public institution of higher education offering approved programs of education for undergraduates in the State in which the individual is enrolled that has the highest rate of regularly-charged established charges for such programs of education among all public institutions of higher education in such State offering such programs of education.

''(B) A monthly stipend in an amount as follows:

''(i) For each month the individual pursues the program of education, other than a program of education offered through distance learning, a monthly housing stipend amount equal to the monthly amount of the basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E–5 residing in the military housing area that encompasses all or the majority portion of the ZIP code area in which is located the institution of higher education at which the individual is enrolled.

''(ii) For the first month of each quarter, semester, or term, as applicable, of the program of education pursued by the individual, a lump sum amount for books, supplies, equipment, and other educational costs with respect to such quarter, semester, or term in the amount equal to—

''(I) $1,000, multiplied by

''(II) the fraction which is the portion of a complete academic year under the program of education that such quarter, semester, or term constitutes.

''(2) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(3) of this title, amounts equal to 90 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(3) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(4) of this title, amounts equal to 80 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(4) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(5) of this title, amounts equal to 70 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(5) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(6) of this title, amounts equal to 60 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(6) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(7) of this title, amounts equal to 50 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(7) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(8) of this title, amounts equal to 40 percent of the amounts that would be payable to the individual

under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(d) FREQUENCY OF PAYMENT.—(1) Payment of the amounts payable under subsection (c)(1)(A), and of similar amounts payable under paragraphs (2) through (7) of subsection (c), for pursuit of a program of education shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

''(2) Payment of the amount payable under subsection (c)(1)(B), and of similar amounts payable under paragraphs (2) through (7) of subsection (c), for pursuit of a program of education shall be made on a monthly basis.

''(3) The Secretary shall prescribe in regulations methods for determining the number of months (including fractions thereof) of entitlement of an individual to educational assistance this chapter that are chargeable under this chapter for an advance payment of amounts under paragraphs (1) and (2) for pursuit of a program of education on a quarter, semester, term, or other basis.

''(e) PROGRAMS OF EDUCATION PURSUED ON ACTIVE DUTY.—(1) Educational assistance is payable under this chapter for pursuit of an approved program of education while on active duty.

''(2) The amount of educational assistance payable under this chapter to an individual pursuing a program of education while on active duty is the lesser of—

''(A) the established charges which similarly circumstanced nonveterans enrolled in the program of education involved would be required to pay; or

''(B) the amount of the charges of the educational institution as elected by the individual in the manner specified in section 3014(b)(1) of this title.

''(3) Payment of the amount payable under paragraph (2) for pursuit of a program of education shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

''(4) For each month (as determined pursuant to the methods prescribed under subsection (d)(3)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at the rate of one month for each such month.

''(f) PROGRAMS OF EDUCATION PURSUED ON HALF-TIME BASIS OR LESS.—(1) Educational assistance is payable under this chapter for pursuit of an approved program of education on half-time basis or less.

''(2) The educational assistance payable under this chapter to an individual pursuing a program of education on half-time basis or less is the amounts as follows:

''(A) The amount equal to the lesser of—

''(i) the established charges which similarly circumstanced nonveterans enrolled in the program of education involved would be required to pay; or

''(ii) the maximum amount that would be payable to the individual for the program of education under paragraph (1)(A) of subsection (c), or under the provisions of paragraphs (2) through (7) of subsection (c) applicable to the individual, for the program of education if the individual were entitled to amounts for the program of education under subsection (c) rather than this subsection.

''(B) A stipend in an amount equal to the amount of the appropriately reduced amount of the lump sum amount for books, supplies, equipment, and other educational costs otherwise payable to the individual under subsection (c).

''(3) Payment of the amounts payable to an individual under paragraph (2) for pursuit of a program of education on half-time basis or less shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

''(4) For each month (as determined pursuant to the methods prescribed under subsection (d)(3)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at a percentage of a month equal to—

''(A) the number of course hours borne by the individual in pursuit of the program of education involved, divided by

''(B) the number of course hours for full-time pursuit of such program of education.

''(g) PAYMENT OF ESTABLISHED CHARGES TO EDUCATIONAL INSTITUTIONS.—Amounts payable under subsections (c)(1)(A) (and of similar amounts payable under paragraphs (2) through (7) of subsection (c)), (e)(2) and (f)(2)(A) shall be paid directly to the educational institution concerned.

''(h) ESTABLISHED CHARGES DEFINED.—(1) In this section, the term 'established charges', in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary) for tuition and fees which similarly circumstanced nonveterans enrolled in the program of education would be required to pay.

''(2) Established charges shall be determined for purposes of this subsection on the following basis:

''(A) In the case of an individual enrolled in a program of education offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the term, quarter, or semester.

''(B) In the case of an individual enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the entire program of education.

''§ 3314. Tutorial assistance

''(a) IN GENERAL.—Subject to subsection (b), an individual entitled to educational assistance under this chapter shall also be entitled to benefits provided an eligible veteran under section 3492 of this title.

''(b) CONDITIONS.—(1) The provision of benefits under subsection (a) shall be subject to the conditions applicable to an eligible veteran under section 3492 of this title.

''(2) In addition to the conditions specified in paragraph (1), benefits may not be provided to an individual under subsection (a) unless the professor or other individual teaching, leading, or giving the course for which such benefits are provided certifies that—

''(A) such benefits are essential to correct a deficiency of the individual in such course; and

''(B) such course is required as a part of, or is prerequisite or indispensable to the satisfactory pursuit of, an approved program of education.

''(c) AMOUNT.—(1) The amount of benefits described in subsection (a) that are payable under this section may not exceed $100 per month, for a maximum of 12 months, or until a maximum of $1,200 is utilized.

''(2) The amount provided an individual under this subsection is in addition to the amounts of educational assistance paid the individual under section 3313 of this title.

''(d) NO CHARGE AGAINST ENTITLEMENT.—Any benefits provided an individual under subsection (a) are in addition to any other educational assistance benefits provided the individual under this chapter.

''§ 3315. Licensure and certification tests

''(a) IN GENERAL.—An individual entitled to educational assistance under this chapter shall also be entitled to payment for one licensing or certification test described in section 3452(b) of this title.

''(b) LIMITATION ON AMOUNT.—The amount payable under subsection (a) for a licensing or certification test may not exceed the lesser of—

''(1) $2,000; or

''(2) the fee charged for the test.

''(c) NO CHARGE AGAINST ENTITLEMENT.—Any amount paid an individual under subsection (a) is in addition to any other educational assistance benefits provided the individual under this chapter.

''§ 3316. Supplemental educational assistance: members with critical skills or specialty; members serving additional service

''(a) INCREASED ASSISTANCE FOR MEMBERS WITH CRITICAL SKILLS OR SPECIALTY.—(1) In the case of an individual who has a skill or specialty designated by the Secretary concerned as a skill or specialty in which there is a critical shortage of personnel or for which it is difficult to recruit or, in the case of critical units, retain personnel, the Secretary concerned may increase the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c) of this title, or under paragraphs (2) through (7) of such section (as applicable).

''(2) The amount of the increase in educational assistance authorized by paragraph (1) may not exceed the amount equal to the monthly amount of increased basic educational assistance provided under section 3015(d)(1) of this title at the time of the increase under paragraph (1).

''(b) SUPPLEMENTAL ASSISTANCE FOR ADDITIONAL SERVICE.—(1) The Secretary concerned may provide for the payment to an individual entitled to educational assistance under this chapter of supplemental educational assistance for additional service authorized by subchapter III of chapter 30 of this title. The amount so payable shall be payable as an increase in the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c) of this title, or under paragraphs (2) through (7) of such section (as applicable).

''(2) Eligibility for supplement educational assistance under this subsection shall be determined in accordance with the provisions of subchapter III of chapter 30 of this title, except that any reference in such provisions to eligibility for basic educational assistance under a provision of subchapter II of chapter 30 of this title shall be treated as a reference to eligibility for educational assistance under the appropriate provision of this chapter.

''(3) The amount of supplemental educational assistance payable under this subsection shall be the amount equal to the monthly amount of supplemental educational payable under section 3022 of this title.

''(c) REGULATIONS.—The Secretaries concerned shall administer this section in accordance with such regulations as the Secretary of Defense shall prescribe.

''§ 3317. Public-private contributions for additional educational assistance

''(a) ESTABLISHMENT OF PROGRAM.—In instances where the educational assistance provided pursuant to section 3313(c)(1)(A) does not cover the full cost of established charges (as specified in section 3313 of this title), the Secretary shall carry out a program under which colleges and universities can, voluntarily, enter into an agreement with the Secretary to cover a portion of those established charges not otherwise covered under section 3313(c)(1)(A), which contributions shall be matched by equivalent contributions toward such costs by the Secretary. The program shall only apply to covered individuals described in paragraphs (1) and (2) of section 3311(b).

''(b) DESIGNATION OF PROGRAM.—The program under this section shall be known as the 'Yellow Ribbon G.I. Education Enhancement Program'.

''(c) AGREEMENTS.—The Secretary shall enter into an agreement with each college or university seeking to participate in the program under this section. Each agreement shall specify the following:

''(1) The manner (whether by direct grant, scholarship, or otherwise) of the contributions to be made by the college or university concerned.

''(2) The maximum amount of the contribution to be made by the college or university concerned with respect to any particular individual in any given academic year.

''(3) The maximum number of individuals for whom the college or university concerned will make contributions in any given academic year.

''(4) Such other matters as the Secretary and the college or university concerned jointly consider appropriate.

''(d) MATCHING CONTRIBUTIONS.—(1) In instances where the educational assistance provided an individual under section 3313(c)(1)(A) of this title does not cover the full cost of tuition and mandatory fees at a college or university, the Secretary shall provide up to 50 percent of the remaining costs for tuition and mandatory fees if the college or university voluntarily enters into an agreement with the Secretary to match an equal percentage of any of the remaining costs for such tuition and fees.

''(2) Amounts available to the Secretary under section 3324(b) of this title for payment of the costs of this chapter shall be available to the Secretary for purposes of paragraph (1).

''(e) OUTREACH.—The Secretary shall make available on the Internet website of the Department available to the public a current list of the colleges and universities participating in the program under this section. The list shall specify, for each college or university so listed, appropriate information on the agreement between the Secretary and such college or university under subsection (c).

''§ 3318. Additional assistance: relocation or travel assistance for individual relocating or traveling significant distance for pursuit of a program of education

''(a) ADDITIONAL ASSISTANCE.—Each individual described in subsection (b) shall be paid additional assistance under this section in the amount of $500.

''(b) COVERED INDIVIDUALS.—An individual described in this subsection is any individual entitled to educational assistance under this chapter—

''(1) who resides in a highly rural area (as determined by the Bureau of the Census); and

''(2) who—

''(A) physically relocates a distance of at least 500 miles in order to pursue a program of education for which the individual utilizes educational assistance under this chapter; or

''(B) travels by air to physically attend an institution of higher education for pursuit of such a program of education because the individual cannot travel to such institution by automobile or other established form of transportation due to an absence of road or other infrastructure.

''(c) PROOF OF RESIDENCE.—For purposes of subsection (b)(1), an individual may demonstrate the individual's place of residence utilizing any of the following:

''(1) DD Form 214, Certification of Release or Discharge from Active Duty.

''(2) The most recent Federal income tax return.

''(3) Such other evidence as the Secretary shall prescribe for purposes of this section.

''(d) SINGLE PAYMENT OF ASSISTANCE.—An individual is entitled to only one payment of additional assistance under this section.

''(e) NO CHARGE AGAINST ENTITLEMENT.—Any amount paid an individual under this section is in addition to any other educational assistance benefits provided the individual under this chapter.''.

''SUBCHAPTER III—ADMINISTRATIVE PROVISIONS

''§ 3321. Time limitation for use of and eligibility for entitlement

''(a) IN GENERAL.—Except as provided in this section, the period during which an individual entitled to educational assistance under this chapter may use such individual's entitlement expires at the end of the 15-year period beginning on the date of such individual's last discharge or release from active duty.

''(b) EXCEPTIONS.—(1) Subsections (b), (c), and (d) of section 3031 of this title shall apply with respect to the running of the 15-year period described in subsection (a) of this section in the same manner as such subsections apply under section 3031 of this title with respect to the running of the 10-year period described in section 3031(a) of this title.

''(2) Section 3031(f) of this title shall apply with respect to the termination of an individual's entitlement to educational assistance under this chapter in the same manner as such section applies to the termination of an individual's entitlement to educational assistance under chapter 30 of this title, except that, in the administration of such section for purposes of this chapter, the reference to section 3013 of this title shall be deemed to be a reference to 3312 of this title.

''(3) For purposes of subsection (a), an individual's last discharge or release from active duty shall not include any discharge or release from a period of active duty of less than 90 days of continuous service, unless the individual is discharged or released as described in section 3311(b)(2) of this title.

''§ 3322. Bar to duplication of educational assistance benefits

''(a) IN GENERAL.—An individual entitled to educational assistance under this chapter who is also eligible for educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 of title 10, or the provisions of the Hostage Relief Act of 1980 (Public Law 96–449; 5 U.S.C. 5561 note) may not receive assistance under two or more such programs concurrently, but shall elect (in such form and manner as the Secretary may prescribe) under which chapter or provisions to receive educational assistance.

''(b) INAPPLICABILITY OF SERVICE TREATED UNDER EDUCATIONAL LOAN REPAYMENT PROGRAMS.—A period of service counted for purposes of repayment of an education loan under chapter 109 of title 10 may not be counted as a period of service for entitlement to educational assistance under this chapter.

''(c) SERVICE IN SELECTED RESERVE.—An individual who serves in the Selected Reserve may receive credit for such service under only one of this chapter, chapter 30 of this title, and chapters 1606 and 1607 of title 10, and shall elect (in such form and manner as the Secretary may prescribe) under which chapter such service is to be credited.

''(d) ADDITIONAL COORDINATION MATTERS.—In the case of an individual entitled to educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 of title 10, or the provisions of the Hostage Relief Act of 1980, or making contributions toward entitlement to educational assistance under chapter 30 of this title, as of August 1, 2009, coordination of entitlement to educational assistance under this chapter, on the one hand, and such chapters or provisions, on the other, shall be governed by the provisions of section ____03(c) of the Post-9/11 Veterans Educational Assistance Act of 2008.

''§ 3323. Administration

''(a) IN GENERAL.—(1) Except as otherwise provided in this chapter, the provisions specified in section 3034(a)(1) of this title shall apply to the provision of educational assistance under this chapter.

''(2) In applying the provisions referred to in paragraph (1) to an individual entitled to educational assistance under this chapter for purposes of this section, the reference in such provisions to the term 'eligible veteran' shall be deemed to refer to an individual entitled to educational assistance under this chapter.

''(3) In applying section 3474 of this title to an individual entitled to educational assistance under this chapter for purposes of this section, the reference in such section 3474 to the term 'educational assistance allowance' shall be deemed to refer to educational assistance payable under section 3313 of this title.

''(4) In applying section 3482(g) of this title to an individual entitled to educational assistance under this chapter for purposes of this section—

''(A) the first reference to the term 'educational assistance allowance' in such section 3482(g) shall be deemed to refer to educational assistance payable under section 3313 of this title; and

''(B) the first sentence of paragraph (1) of such section 3482(g) shall be applied as if such sentence ended with 'equipment'.

''(b) INFORMATION ON BENEFITS.—(1) The Secretary of Veterans Affairs shall provide the information described in paragraph (2) to each member of the Armed Forces at such times as the Secretary of Veterans Affairs and the Secretary of Defense shall jointly prescribe in regulations.

''(2) The information described in this paragraph is information on benefits, limitations, procedures, eligibility requirements (including time-in-service requirements), and other important aspects of educational assistance under this chapter, including application forms for such assistance under section 5102 of this title.

''(3) The Secretary of Veterans Affairs shall furnish the information and forms described in paragraph (2), and other educational materials on educational assistance under this chapter, to educational institutions, training establishments, military education personnel, and such other persons and entities as the Secretary considers appropriate.

''(c) REGULATIONS.—(1) The Secretary shall prescribe regulations for the administration of this chapter.

''(2) Any regulations prescribed by the Secretary of Defense for purposes of this chapter shall apply uniformly across the Armed Forces.

''§ 3324. Allocation of administration and costs

''(a) ADMINISTRATION.—Except as otherwise provided in this chapter, the Secretary shall administer the provision of educational assistance under this chapter.

''(b) COSTS.—Payments for entitlement to educational assistance earned under this chapter shall be made from funds appropriated to, or otherwise made available to, the Department of Veterans Affairs for the payment of readjustment benefits.''.

(2) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of title 38, United States Code, and at the beginning of part III of such title, are each amended by inserting after the item relating to chapter 32 the following new item:

''33. Post-9/11 Educational Assistance 3301''.

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS RELATING TO DUPLICATION OF BENEFITS.—

(A) Section 3033 of title 38, United States Code, is amended—

(i) in subsection (a)(1), by inserting ''33,'' after ''32,''; and

(ii) in subsection (c), by striking ''both the program established by this chapter and the program established by chapter 106 of title 10'' and inserting ''two or more of the programs established by this chapter, chapter 33 of this title, and chapters 1606 and 1607 of title 10''.

(B) Paragraph (4) of section 3695(a) of such title is amended to read as follows:

''(4) Chapters 30, 32, 33, 34, 35, and 36 of this title.''.

(C) Section 16163(e) of title 10, United States Code, is amended by inserting ''33,'' after ''32,''.

(2) ADDITIONAL CONFORMING AMENDMENTS.—

(A) Title 38, United States Code, is further amended by inserting ''33,'' after ''32,'' each place it appears in the following provisions:

(i) In subsections (b) and (e)(1) of section 3485.

(ii) In section 3688(b).

(iii) In subsections (a)(1), (c)(1), (c)(1)(G), (d), and (e)(2) of section 3689.

(iv) In section 3690(b)(3)(A).

(v) In subsections (a) and (b) of section 3692.

(vi) In section 3697(a).

(B) Section 3697A(b)(1) of such title is amended by striking ''or 32'' and inserting ''32, or 33''.

(c) APPLICABILITY TO INDIVIDUALS UNDER MONTGOMERY GI BILL PROGRAM.—

(1) INDIVIDUALS ELIGIBLE TO ELECT PARTICIPATION IN POST-9/11 EDUCATIONAL ASSISTANCE.—An individual may elect to receive educational assistance under chapter 33 of title 38, United States Code (as added by subsection (a)), if such individual—

(A) as of August 1, 2009—

(i) is entitled to basic educational assistance under chapter 30 of title 38, United States Code, and has used, but retains unused, entitlement under that chapter;

(ii) is entitled to educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, and has used, but retains unused, entitlement under the applicable chapter;

(iii) is entitled to basic educational assistance under chapter 30 of title 38, United States Code, but has not used any entitlement under that chapter;

(iv) is entitled to educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, but has not used any entitlement under such chapter;

(v) is a member of the Armed Forces who is eligible for receipt of basic educational assistance under chapter 30 of title 38, United States Code, and is making contributions toward such assistance under section 3011(b) or 3012(c) of such title; or

(vi) is a member of the Armed Forces who is not entitled to basic educational assistance under chapter 30 of title 38, United States Code, by reason of an election under section 3011(c)(1) or 3012(d)(1) of such title; and

(B) as of the date of the individual's election under this paragraph, meets the requirements for entitlement to educational assistance under chapter 33 of title 38, United States Code (as so added).

(2) CESSATION OF CONTRIBUTIONS TOWARD GI BILL.—Effective as of the first month beginning on or after the date of an election under paragraph (1) of an individual described by subparagraph (A)(v) of that paragraph, the obligation of the individual to make contributions under section 3011(b) or 3012(c) of title 38, United States Code, as applicable, shall cease, and the requirements of such section shall be deemed to be no longer applicable to the individual.

(3) REVOCATION OF REMAINING TRANSFERRED ENTITLEMENT.—

(A) ELECTION TO REVOKE.—If, on the date an individual described in subparagraph (A)(i) or (A)(iii) of paragraph (1) makes an election under that paragraph, a transfer of the entitlement of the individual to basic educational assistance under section 3020 of title 38, United States Code, is in effect and a number of months of the entitlement so transferred remain unutilized, the individual may elect to revoke all or a portion of the entitlement so transferred that remains unutilized.

(B) AVAILABILITY OF REVOKED ENTITLEMENT.—Any entitlement revoked by an individual under this paragraph shall no longer be available to the dependent to whom transferred, but shall be available to the individual instead for educational assistance under chapter 33 of title 38, United States Code (as so added), in accordance with the provisions of this subsection.

(C) AVAILABILITY OF UNREVOKED ENTITLEMENT.—Any entitlement described in subparagraph (A) that is not revoked by an individual in accordance with that subparagraph shall remain available to the dependent or dependents concerned in accordance with the current transfer of such entitlement under section 3020 of title 38, United States Code.

(4) POST-9/11 EDUCATIONAL ASSISTANCE.—

(A) IN GENERAL.—Subject to subparagraph (B) and except as provided in paragraph (5), an individual making an election under paragraph (1) shall be entitled to educational assistance under chapter 33 of title 38, United States Code (as so added), in accordance with the provisions of such chapter, instead of basic educational assistance under chapter 30 of title 38, United States Code, or educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, as applicable.

(B) LIMITATION ON ENTITLEMENT FOR CERTAIN INDIVIDUALS.—In the case of an individual making an election under paragraph (1) who is described by subparagraph (A)(i) of that paragraph, the number of months of entitlement of the individual to educational assistance under chapter 33 of title 38, United States Code (as so added), shall be the number of months equal to—

(i) the number of months of unused entitlement of the individual under chapter 30 of title 38, United States Code, as of the date of the election, plus

(ii) the number of months, if any, of entitlement revoked by the individual under paragraph (3)(A).

(5) CONTINUING ENTITLEMENT TO EDUCATIONAL ASSISTANCE NOT AVAILABLE UNDER 9/11 ASSISTANCE PROGRAM.—

(A) IN GENERAL.—In the event educational assistance to which an individual making an election under paragraph (1) would be entitled under chapter 30 of title 38, United States Code, or chapter 107, 1606, or 1607 of title 10, United States Code, as applicable, is not authorized to be available to the individual under the provisions of chapter 33 of title 38, United States Code (as so added), the individual shall remain entitled to such educational assistance in accordance with the provisions of the applicable chapter.

(B) CHARGE FOR USE OF ENTITLEMENT.—The utilization by an individual of entitlement under subparagraph (A) shall be chargeable against the entitlement of the individual to educational assistance under chapter 33 of title 38, United States Code (as so added), at the rate of one month of entitlement under such chapter 33 for each month of entitlement utilized by the individual under subparagraph (A) (as determined as if such entitlement were utilized under the provisions of chapter 30 of title 38, United States Code, or chapter 107, 1606, or 1607 of title 10, United States Code, as applicable).

(6) ADDITIONAL POST-9/11 ASSISTANCE FOR MEMBERS HAVING MADE CONTRIBUTIONS TOWARD GI BILL.—

(A) ADDITIONAL ASSISTANCE.—In the case of an individual making an election under paragraph (1) who is described by clause (i), (iii), or (v) of subparagraph (A) of that paragraph, the amount of educational assistance payable to the individual under chapter 33 of title 38, United States Code (as so added), as a monthly stipend payable under paragraph (1)(B) of section 3313(c) of such title (as so added), or under paragraphs (2) through (7) of that section (as applicable), shall be the amount otherwise payable as a monthly stipend under the applicable paragraph increased by the amount equal to—

(i) the total amount of contributions toward basic educational assistance made by the individual under section 3011(b) or 3012(c) of title 38, United States Code, as of the date of the election, multiplied by

(ii) the fraction—

(I) the numerator of which is—

(aa) the number of months of entitlement to basic educational assistance under chapter 30 of title 38, United States Code, remaining to the individual at the time of the election; plus

(bb) the number of months, if any, of entitlement under such chapter 30 revoked by the individual under paragraph (3)(A); and

(II) the denominator of which is 36 months.

(B) MONTHS OF REMAINING ENTITLEMENT FOR CERTAIN INDIVIDUALS.—In the case of an individual covered by subparagraph (A) who is described by paragraph (1)(A)(v), the number of months of entitlement to basic educational assistance remaining to the individual for purposes of subparagraph (A)(ii)(I)(aa) shall be 36 months.

(C) TIMING OF PAYMENT.—The amount payable with respect to an individual under subparagraph (A) shall be paid to the individual together with the last payment of the monthly stipend payable to the individual under paragraph (1)(B) of section 3313(c) of title 38, United States Code (as so added), or under paragraphs (2) through (7) of that section (as applicable), before the exhaustion of the individual's entitlement to educational assistance under chapter 33 of such title (as so added).

(7) CONTINUING ENTITLEMENT TO ADDITIONAL ASSISTANCE FOR CRITICAL SKILLS OR SPECIALITY AND ADDITIONAL SERVICE.—An individual making an election under paragraph (1)(A) who, at the time of the election, is entitled to increased educational assistance under section 3015(d) of title 38, United States Code, or section 16131(i) of title 10, United States Code, or supplemental educational assistance under subchapter III of chapter 30 of title 38, United States Code, shall remain entitled to such increased educational assistance or supplemental educational assistance in the utilization of entitlement to educational assistance under chapter 33 of title 38, United States Code (as so added), in an amount equal to the quarter, semester, or term, as applicable, equivalent of the monthly amount of such increased educational assistance or supplemental educational assistance payable with respect to the individual at the time of the election.

(8) IRREVOCABILITY OF ELECTIONS.—An election under paragraph (1) or (3)(A) is irrevocable.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on August 1, 2009.

SEC. 4004. INCREASE IN AMOUNTS OF BASIC EDUCATIONAL ASSISTANCE UNDER THE MONTGOMERY GI BILL.

(a) EDUCATIONAL ASSISTANCE BASED ON THREE-YEAR PERIOD OF OBLIGATED SERVICE.—Subsection (a)(1) of section 3015 of title 38, United States Code, is amended—

(1) by striking subparagraphs (A) through (C) and inserting the following new subparagraph:

''(A) for months occurring during the period beginning on August 1, 2008, and ending on the last day of fiscal year 2009, $1,321; and''; and

(2) by redesignating subparagraph (D) as subparagraph (B).

(b) EDUCATIONAL ASSISTANCE BASED ON TWO-YEAR PERIOD OF OBLIGATED SERVICE.—Subsection (b)(1) of such section is amended—

(1) by striking subparagraphs (A) through (C) and inserting the following new subparagraph:

''(A) for months occurring during the period beginning on August 1, 2008, and ending on the last day of fiscal year 2009, $1,073; and''; and

(2) by redesignating subparagraph (D) as subparagraph (B).

(c) MODIFICATION OF MECHANISM FOR COST-OF-LIVING ADJUSTMENTS.—Subsection (h)(1) of such section is amended by striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

''(A) the average cost of undergraduate tuition in the United States, as determined by the National Center for Education Statistics, for the last academic year preceding the beginning of the fiscal year for which the increase is made, exceeds

''(B) the average cost of undergraduate tuition in the United States, as so determined, for the academic year preceding the academic year described in subparagraph (A).''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on August 1, 2008.

(2) NO COST-OF-LIVING ADJUSTMENT FOR FISCAL YEAR 2009.—The adjustment required by subsection (h) of section 3015 of title 38, United States Code (as amended by this section), in rates of basic educational assistance payable under subsections (a) and (b) of such section (as so amended) shall not be made for fiscal year 2009.

SEC. 4005. MODIFICATION OF AMOUNT AVAILABLE FOR REIMBURSEMENT OF STATE AND LOCAL AGENCIES ADMINISTERING VETERANS EDUCATION BENEFITS.

Section 3674(a)(4) of title 38, United States Code, is amended by striking ''may not exceed'' and all that follows through the end and inserting ''shall be $19,000,000.''.

TITLE V—EMERGENCY UNEMPLOYMENT COMPENSATION

FEDERAL-STATE AGREEMENTS

SEC. 5001. (a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this title with the Secretary of Labor (in this title referred to as the ''Secretary''). Any State which is a party to an agreement under this title may, upon providing 30 days written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of emergency unemployment compensation to individuals who—

(1) have exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year (excluding any benefit year that ended before May 1, 2007);

(2) have no rights to regular compensation or extended compensation with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law (except as provided under subsection (e)); and

(3) are not receiving compensation with respect to such week under the unemployment compensation law of Canada.

(c) EXHAUSTION OF BENEFITS.—For purposes of subsection (b)(1), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to such individual based on employment or wages during such individual's base period; or

(2) such individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(d) WEEKLY BENEFIT AMOUNT, ETC.—For purposes of any agreement under this title—

(1) the amount of emergency unemployment compensation which shall be payable to any individual for any week of total unemployment shall be equal to the amount of the regular compensation (including dependents' allowances) payable to such individual during such individual's benefit year under the State law for a week of total unemployment;

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall apply to claims for emergency unemployment compensation and the payment thereof, except where otherwise inconsistent with the provisions of this title or with the regulations or operating instructions of the Secretary promulgated to carry out this title; and

(3) the maximum amount of emergency unemployment compensation payable to any individual for whom an emergency unemployment compensation account is established under section 5002 shall not exceed the amount established in such account for such individual.

(e) ELECTION BY STATES.—Notwithstanding any other provision of Federal law (and if State law permits), the Governor of a State that is in an extended benefit period may provide for the payment of emergency unemployment compensation prior to extended compensation to individuals who otherwise meet the requirements of this section.

EMERGENCY UNEMPLOYMENT COMPENSATION ACCOUNT

SEC. 5002. (a) IN GENERAL.—Any agreement under this title shall provide that the State will establish, for each eligible individual who files an application for emergency unemployment compensation, an emergency unemployment compensation account with respect to such individual's benefit year.

(b) AMOUNT IN ACCOUNT.—

(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to the lesser of—

(A) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under such law, or

(B) 13 times the individual's average weekly benefit amount for the benefit year.

(2) WEEKLY BENEFIT AMOUNT.—For purposes of this subsection, an individual's weekly benefit amount for any week is the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for such week for total unemployment.

(c) SPECIAL RULE.—

(1) IN GENERAL.—Notwithstanding any other provision of this section, if, at the time that the individual's account is exhausted or at any time thereafter, such individual's State is in an extended benefit period (as determined under paragraph (2)), then, such account shall be augmented by an amount equal to the amount originally established in such account (as determined under subsection (b)(1)).

(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period, as of any given time, if—

(A) such a period is then in effect for such State under the Federal-State Extended Unemployment Compensation Act of 1970;

(B) such a period would then be in effect for such State under such Act if section 203(d) of such Act—

(i) were applied by substituting ''4'' for ''5'' each place it appears; and

(ii) did not include the requirement under paragraph (1)(A); or

(C) such a period would then be in effect for such State under such Act if—

(i) section 203(f) of such Act were applied to such State (regardless of whether the State by law had provided for such application); and

(ii) such section 203(f)—

(I) were applied by substituting ''6.0'' for ''6.5'' in paragraph (1)(A)(i); and

(II) did not include the requirement under paragraph (1)(A)(ii).

PAYMENTS TO STATES HAVING AGREEMENTS FOR THE PAYMENT OF EMERGENCY UNEMPLOYMENT COMPENSATION

SEC. 5003. (a) GENERAL RULE.—There shall be paid to each State that has entered into an agreement under this title an amount equal to 100 percent of the emergency unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) TREATMENT OF REIMBURSABLE COMPENSATION.—No payment shall be made to any State under this section in respect of any compensation to the extent the State is entitled to reimbursement in respect of such compensation under the provisions of any Federal law other than this title or chapter 85 of title 5, United States Code. A State shall not be entitled to any reimbursement under such chapter 85 in respect of any compensation to the extent the State is entitled to reimbursement under this title in respect of such compensation.

(c) DETERMINATION OF AMOUNT.—Sums payable to any State by reason of such State having an agreement under this title shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this title for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

FINANCING PROVISIONS

SEC. 5004. (a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Security Act (42 U.S.C. 1105(a)) of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1104(a)) shall be used for the making of payments to States having agreements entered into under this title.

(b) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of

the Treasury for payment to each State the sums payable to such State under this title. The Secretary of the Treasury, prior to audit or settlement by the Government Accountability Office, shall make payments to the State in accordance with such certification, by transfers from the extended unemployment compensation account (as so established) to the account of such State in the Unemployment Trust Fund (as so established).

(c) ASSISTANCE TO STATES.—There are appropriated out of the employment security administration account (as established by section 901(a) of the Social Security Act (42 U.S.C. 1101(a)) of the Unemployment Trust Fund, without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act (42 U.S.C. 501 et seq.)) in meeting the costs of administration of agreements under this title.

(d) APPROPRIATIONS FOR CERTAIN PAYMENTS.—There are appropriated from the general fund of the Treasury, without fiscal year limitation, to the extended unemployment compensation account (as so established) of the Unemployment Trust Fund (as so established) such sums as the Secretary estimates to be necessary to make the payments under this section in respect of—

(1) compensation payable under chapter 85 of title 5, United States Code; and

(2) compensation payable on the basis of services to which section 3309(a)(1) of the Internal Revenue Code of 1986 applies.

Amounts appropriated pursuant to the preceding sentence shall not be required to be repaid.

FRAUD AND OVERPAYMENTS

SEC. 5005. (a) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of emergency unemployment compensation under this title to which such individual was not entitled, such individual—

(1) shall be ineligible for further emergency unemployment compensation under this title in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) REPAYMENT.—In the case of individuals who have received amounts of emergency unemployment compensation under this title to which they were not entitled, the State shall require such individuals to repay the amounts of such emergency unemployment compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such emergency unemployment compensation was without fault on the part of any such individual; and

(2) such repayment would be contrary to equity and good conscience.

(c) RECOVERY BY STATE AGENCY.—

(1) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any emergency unemployment compensation payable to such individual under this title or from any unemployment compensation payable to such individual under any State or Federal unemployment compensation law administered by the State agency or under any other State or Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the emergency unemployment compensation to which they were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) REVIEW.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

DEFINITIONS

SEC. 5006. In this title, the terms ''compensation'', ''regular compensation'', ''extended compensation'', ''benefit year'', ''base period'', ''State'', ''State agency'', ''State law'', and ''week'' have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

APPLICABILITY

SEC. 5007. (a) IN GENERAL.—Except as provided in subsection (b), an agreement entered into under this title shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

(2) ending on or before March 31, 2009.

(b) TRANSITION FOR AMOUNT REMAINING IN ACCOUNT.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), in the case of an individual who has amounts remaining in an account established under section 5002 as of the last day of the last week (as determined in accordance with the applicable State law) ending on or before March 31, 2009, emergency unemployment compensation shall continue to be payable to such individual from such amounts for any week beginning after such last day for which the individual meets the eligibility requirements of this title.

(2) LIMIT ON AUGMENTATION.—If the account of an individual is exhausted after the last day of such last week (as so determined), then section 5002(c) shall not apply and such account shall not be augmented under such section, regardless of whether such individual's State is in an extended benefit period (as determined under paragraph (2) of such section).

(3) LIMIT ON COMPENSATION.—No compensation shall be payable by reason of paragraph (1) for any week beginning after June 30, 2009.

TITLE VI—OTHER HEALTH MATTERS

SEC. 6001. (a) MORATORIA ON CERTAIN MEDICAID REGULATIONS.—

(1) EXTENSION OF CERTAIN MORATORIA IN PUBLIC LAW 110–28.—Section 7002(a)(1) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28) is amended—

(A) by striking ''prior to the date that is 1 year after the date of enactment of this Act'' and inserting ''prior to April 1, 2009'';

(B) in subparagraph (A), by inserting after ''Federal Regulations)'' the following: ''or in the final regulation, relating to such parts, published on May 29, 2007 (72 Federal Register 29748)''; and

(C) in subparagraph (C), by inserting before the period at the end the following: '', including the proposed regulation published on May 23, 2007 (72 Federal Register 28930)''.

(2) EXTENSION OF CERTAIN MORATORIA IN PUBLIC LAW 110–173.—Section 206 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173) is amended—

(A) by striking ''June 30, 2008'' and inserting ''April 1, 2009'';

(B) by inserting '', including the proposed regulation published on August 13, 2007 (72 Federal Register 45201),'' after ''rehabilitation services''; and

(C) by inserting '', including the final regulation published on December 28, 2007 (72 Federal Register 73635),'' after ''school-based transportation''.

(3) MORATORIUM ON INTERIM FINAL MEDICAID REGULATION RELATING TO OPTIONAL CASE MANAGEMENT AND TARGETED CASE MANAGEMENT SERVICES.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to April 1, 2009, finalize, implement, enforce, or otherwise take any action (through promulgation of regulation, issuance of regulatory guidance, use of Federal payment audit procedures, or other administrative action, policy, or practice, including a Medical Assistance Manual transmittal or letter to State Medicaid directors) to impose any restrictions relating to the interim final regulation relating to optional State plan case management services and targeted case management services under the Medicaid program published on December 4, 2007 (72 Federal Register 68077) in its entirety.

(4) ADDITIONAL MORATORIA.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to April 1, 2009, take any action (through promulgation of regulation, issuance of regulatory guidance, use of Federal payment audit procedures, or other administrative action, policy, or practice, including a Medical Assistance Manual transmittal or letter to State Medicaid directors) to impose any restrictions relating to a provision described in subparagraph (B) or (C) if such restrictions are more restrictive in any aspect than those applied to the respective provision as of the date specified in subparagraph (D) for such provision.

(B) PROPOSED REGULATION RELATING TO REDEFINITION OF MEDICAID OUTPATIENT HOSPITAL SERVICES.—The provision described in this subparagraph is the proposed regulation relating to clarification of outpatient clinic and hospital facility services definition and upper payment limit under the Medicaid program published on September 28, 2007 (72 Federal Register 55158) in its entirety.

(C) PORTION OF PROPOSED REGULATION RELATING TO MEDICAID ALLOWABLE PROVIDER TAXES.—

(i) IN GENERAL.—Subject to clause (ii), the provision described in this subparagraph is the final regulation relating to health-care-related taxes under the Medicaid program published on February 22, 2008 (73 Federal Register 9685) in its entirety.

(ii) EXCEPTION.—The provision described in this subparagraph does not include the portions of such regulation as relate to the following:

(I) REDUCTION IN THRESHOLD.—The reduction from 6 percent to 5.5 percent in the threshold applied under section 433.68(f)(3)(i) of title 42, Code of Federal Regulations, for determining whether or not there is an indirect guarantee to hold a taxpayer harmless, as required to carry out section 1903(w)(4)(C)(ii) of the Social Security Act, as added by section 403 of the Medicare Improvement and Extension Act of 2006 (division B of Public Law 109–432).

(II) CHANGE IN DEFINITION OF MANAGED CARE.—The change in the definition of managed care as proposed in the revision of section 433.56(a)(8) of title 42, Code of Federal

Regulations, as required to carry out section 1903(w)(7)(A)(viii) of the Social Security Act, as amended by section 6051 of the Deficit Reduction Act of 2005 (Public Law 109–171).

(D) DATE SPECIFIED.—The date specified in this subparagraph for the provision described in—

(i) subparagraph (B) is September 27, 2007; or

(ii) subparagraph (C) is February 21, 2008.

(b) RESTORATION OF ACCESS TO NOMINAL DRUG PRICING FOR CERTAIN CLINICS AND HEALTH CENTERS.—

(1) IN GENERAL.—Section 1927(c)(1)(D) of the Social Security Act (42 U.S.C. §1396r–8(c)(1)(D)), as added by section 6001(d)(2) of the Deficit Reduction Act of 2005 (Public Law 109–171), is amended—

(A) in clause (i)—

(i) by redesignating subclause (IV) as subclause (VI); and

(ii) by inserting after subclause (III) the following:

''(IV) An entity that—

''(aa) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Act or is State-owned or operated; and

''(bb) would be a covered entity described in section 340(B)(a)(4) of the Public Health Service Act insofar as the entity provides the same type of services to the same type of populations as a covered entity described in such section provides, but does not receive funding under a provision of law referred to in such section.

''(V) A public or nonprofit entity, or an entity based at an institution of higher learning whose primary purpose is to provide health care services to students of that institution, that provides a service or services described under section 1001(a) of the Public Health Service Act.''; and

(B) by adding at the end the following new clause:

''(iv) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed to alter any existing statutory or regulatory prohibition on services with respect to an entity described in subclause (IV) or (V) of clause (i), including the prohibition set forth in section 1008 of the Public Health Service Act.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the amendment made by section 6001(d)(2) of the Deficit Reduction Act of 2005.

(c) ASSET VERIFICATION THROUGH ACCESS TO INFORMATION HELD BY FINANCIAL INSTITUTIONS.—

(1) ADDITION OF AUTHORITY.—Title XIX of the Social Security Act is amended by inserting after section 1939 the following new section:

''ASSET VERIFICATION THROUGH ACCESS TO INFORMATION HELD BY FINANCIAL INSTITUTIONS

''SEC. 1940. (a) IMPLEMENTATION.—

''(1) IN GENERAL.—Subject to the provisions of this section, each State shall implement an asset verification program described in subsection (b), for purposes of determining or redetermining the eligibility of an individual for medical assistance under the State plan under this title.

''(2) PLAN SUBMITTAL.—In order to meet the requirement of paragraph (1), each State shall—

''(A) submit not later than a deadline specified by the Secretary consistent with paragraph (3), a State plan amendment under this title that describes how the State intends to implement the asset verification program; and

''(B) provide for implementation of such program for eligibility determinations and redeterminations made on or after 6 months after the deadline established for submittal of such plan amendment.

''(3) PHASE-IN.—

''(A) IN GENERAL.—

''(i) IMPLEMENTATION IN CURRENT ASSET VERIFICATION DEMO STATES.—The Secretary shall require those States specified in subparagraph (C) (to which an asset verification program has been applied before the date of the enactment of this section) to implement an asset verification program under this subsection by the end of fiscal year 2009.

''(ii) IMPLEMENTATION IN OTHER STATES.—The Secretary shall require other States to submit and implement an asset verification program under this subsection in such manner as is designed to result in the application of such programs, in the aggregate for all such other States, to enrollment of approximately, but not less than, the following percentage of enrollees, in the aggregate for all such other States, by the end of the fiscal year involved:

''(I) 12.5 percent by the end of fiscal year 2009.

''(II) 25 percent by the end of fiscal year 2010.

''(III) 50 percent by the end of fiscal year 2011.

''(IV) 75 percent by the end of fiscal year 2012.

''(V) 100 percent by the end of fiscal year 2013.

''(B) CONSIDERATION.—In selecting States under subparagraph (A)(ii), the Secretary shall consult with the States involved and take into account the feasibility of implementing asset verification programs in each such State.

''(C) STATES SPECIFIED.—The States specified in this subparagraph are California, New York, and New Jersey.

''(D) CONSTRUCTION.—Nothing in subparagraph (A)(ii) shall be construed as preventing a State from requesting, and the Secretary approving, the implementation of an asset verification program in advance of the deadline otherwise established under such subparagraph.

''(4) EXEMPTION OF TERRITORIES.—This section shall only apply to the 50 States and the District of Columbia.

''(b) ASSET VERIFICATION PROGRAM.—

''(1) IN GENERAL.—For purposes of this section, an asset verification program means a program described in paragraph (2) under which a State—

''(A) requires each applicant for, or recipient of, medical assistance under the State plan under this title on the basis of being aged, blind, or disabled to provide authorization by such applicant or recipient (and any other person whose resources are required by law to be disclosed to determine the eligibility of the applicant or recipient for such assistance) for the State to obtain (subject to the cost reimbursement requirements of section 1115(a) of the Right to Financial Privacy Act of 1978 but at no cost to the applicant or recipient) from any financial institution (within the meaning of section 1101(1) of such Act) any financial record (within the meaning of section 1101(2) of such Act) held by the institution with respect to the applicant or recipient (and such other person, as applicable), whenever the State determines the record is needed in connection with a determination with respect to such eligibility for (or the amount or extent of) such medical assistance; and

''(B) uses the authorization provided under subparagraph (A) to verify the financial resources of such applicant or recipient (and such other person, as applicable), in order to determine or redetermine the eligibility of such applicant or recipient for medical assistance under the State plan.

''(2) PROGRAM DESCRIBED.—A program described in this paragraph is a program for verifying individual assets in a manner consistent with the approach used by the Commissioner of Social Security under section 1631(e)(1)(B)(ii).

''(c) DURATION OF AUTHORIZATION.—Notwithstanding section 1104(a)(1) of the Right to Financial Privacy Act of 1978, an authorization provided to a State under subsection (b)(1)(A) shall remain effective until the earliest of—

''(1) the rendering of a final adverse decision on the applicant's application for medical assistance under the State's plan under this title;

''(2) the cessation of the recipient's eligibility for such medical assistance; or

''(3) the express revocation by the applicant or recipient (or such other person described in subsection (b)(1)(A), as applicable) of the authorization, in a written notification to the State.

''(d) TREATMENT OF RIGHT TO FINANCIAL PRIVACY ACT REQUIREMENTS.—

''(1) An authorization obtained by the State under subsection (b)(1) shall be considered to meet the requirements of the Right to Financial Privacy Act of 1978 for purposes of section 1103(a) of such Act, and need not be furnished to the financial institution, notwithstanding section 1104(a) of such Act.

''(2) The certification requirements of section 1103(b) of the Right to Financial Privacy Act of 1978 shall not apply to requests by the State pursuant to an authorization provided under subsection (b)(1).

''(3) A request by the State pursuant to an authorization provided under subsection (b)(1) is deemed to meet the requirements of section 1104(a)(3) of the Right to Financial Privacy Act of 1978 and of section 1102 of such Act, relating to a reasonable description of financial records.

''(e) REQUIRED DISCLOSURE.—The State shall inform any person who provides authorization pursuant to subsection (b)(1)(A) of the duration and scope of the authorization.

''(f) REFUSAL OR REVOCATION OF AUTHORIZATION.—If an applicant for, or recipient of, medical assistance under the State plan under this title (or such other person described in subsection (b)(1)(A), as applicable) refuses to provide, or revokes, any authorization made by the applicant or recipient (or such other person, as applicable) under subsection (b)(1)(A) for the State to obtain from any financial institution any financial record, the State may, on that basis, determine that the applicant or recipient is ineligible for medical assistance.

''(g) USE OF CONTRACTOR.—For purposes of implementing an asset verification program under this section, a State may select and enter into a contract with a public or private entity meeting such criteria and qualifications as the State determines appropriate, consistent with requirements in regulations relating to general contracting provisions and with section 1903(i)(2). In carrying out activities under such contract, such an entity shall be subject to the same requirements and limitations on use and disclosure of information as would apply if the State were to carry out such activities directly.

''(h) TECHNICAL ASSISTANCE.—The Secretary shall provide States with technical assistance to aid in implementation of an asset verification program under this section.

''(i) REPORTS.—A State implementing an asset verification program under this section shall furnish to the Secretary such reports concerning the program, at such times, in such format, and containing such information as the Secretary determines appropriate.

''(j) TREATMENT OF PROGRAM EXPENSES.—Notwithstanding any other provision of law, reasonable expenses of States in carrying out

the program under this section shall be treated, for purposes of section 1903(a), in the same manner as State expenditures specified in paragraph (7) of such section.''.

(2) STATE PLAN REQUIREMENTS.—Section 1902(a) of such Act (42 U.S.C. 1396a(a)) is amended—

(A) in paragraph (69) by striking ''and'' at the end;

(B) in paragraph (70) by striking the period at the end and inserting ''; and''; and

(C) by inserting after paragraph (70), as so amended, the following new paragraph:

''(71) provide that the State will implement an asset verification program as required under section 1940.''.

(3) WITHHOLDING OF FEDERAL MATCHING PAYMENTS FOR NONCOMPLIANT STATES.—Section 1903(i) of such Act (42 U.S.C. 1396b(i)) is amended—

(A) in paragraph (22) by striking ''or'' at the end;

(B) in paragraph (23) by striking the period at the end and inserting ''; or''; and

(C) by adding after paragraph (23) the following new paragraph:

''(24) if a State is required to implement an asset verification program under section 1940 and fails to implement such program in accordance with such section, with respect to amounts expended by such State for medical assistance for individuals subject to asset verification under such section, unless—

''(A) the State demonstrates to the Secretary's satisfaction that the State made a good faith effort to comply;

''(B) not later than 60 days after the date of a finding that the State is in noncompliance, the State submits to the Secretary (and the Secretary approves) a corrective action plan to remedy such noncompliance; and

''(C) not later than 12 months after the date of such submission (and approval), the State fulfills the terms of such corrective action plan.''.

(4) REPEAL.—Section 4 of Public Law 110–90 is repealed.

SEC. 6002. LIMITATION ON MEDICARE EXCEPTION TO THE PROHIBITION ON CERTAIN PHYSICIAN REFERRALS FOR HOSPITALS.—

(a) IN GENERAL.—Section 1877 of the Social Security Act (42 U.S.C. 1395nn) is amended—

(1) in subsection (d)(2)—

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

(B) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(C) in the case where the entity is a hospital, the hospital meets the requirements of paragraph (3)(D).'';

(2) in subsection (d)(3)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(D) the hospital meets the requirements described in subsection (i)(1) not later than 18 months after the date of the enactment of this subparagraph.''; and

(3) by adding at the end the following new subsection:

''(i) REQUIREMENTS FOR HOSPITALS TO QUALIFY FOR HOSPITAL EXCEPTION TO OWNERSHIP OR INVESTMENT PROHIBITION.—

''(1) REQUIREMENTS DESCRIBED.—For purposes of subsection (d)(3)(D), the requirements described in this paragraph for a hospital are as follows:

''(A) PROVIDER AGREEMENT.—The hospital had—

''(i) physician ownership on September 1, 2008; and

''(ii) a provider agreement under section 1866 in effect on such date.

''(B) LIMITATION ON EXPANSION OF FACILITY CAPACITY.—Except as provided in paragraph (3), the number of operating rooms, procedure rooms, and beds of the hospital at any time on or after the date of the enactment of this subsection are no greater than the number of operating rooms, procedure rooms, and beds as of such date.

''(C) PREVENTING CONFLICTS OF INTEREST.—

''(i) The hospital submits to the Secretary an annual report containing a detailed description of—

''(I) the identity of each physician owner and any other owners of the hospital; and

''(II) the nature and extent of all ownership interests in the hospital.

''(ii) The hospital has procedures in place to require that any referring physician owner discloses to the patient being referred, by a time that permits the patient to make a meaningful decision regarding the receipt of care, as determined by the Secretary—

''(I) the ownership interest of such referring physician in the hospital; and

''(II) if applicable, any such ownership interest of the treating physician.

''(iii) The hospital does not condition any physician ownership interests either directly or indirectly on the physician owner making or influencing referrals to the hospital or otherwise generating business for the hospital.

''(iv) The hospital discloses the fact that the hospital is partially owned by physicians—

''(I) on any public website for the hospital; and

''(II) in any public advertising for the hospital.

''(D) ENSURING BONA FIDE INVESTMENT.—

''(i) Physician owners in the aggregate do not own more than the greater of—

''(I) 40 percent of the total value of the investment interests held in the hospital or in an entity whose assets include the hospital; or

''(II) the percentage of such total value determined on the date of enactment of this subsection.

''(ii) Any ownership or investment interests that the hospital offers to a physician owner are not offered on more favorable terms than the terms offered to a person who is not a physician owner.

''(iii) The hospital (or any investors in the hospital) does not directly or indirectly provide loans or financing for any physician owner investments in the hospital.

''(iv) The hospital (or any investors in the hospital) does not directly or indirectly guarantee a loan, make a payment toward a loan, or otherwise subsidize a loan, for any individual physician owner or group of physician owners that is related to acquiring any ownership interest in the hospital.

''(v) Investment returns are distributed to each investor in the hospital in an amount that is directly proportional to the ownership interest of such investor in the hospital.

''(vi) Physician owners do not receive, directly or indirectly, any guaranteed receipt of or right to purchase other business interests related to the hospital, including the purchase or lease of any property under the control of other investors in the hospital or located near the premises of the hospital.

''(vii) The hospital does not offer a physician owner the opportunity to purchase or lease any property under the control of the hospital or any other investor in the hospital on more favorable terms than the terms offered to an individual who is not a physician owner.

''(E) PATIENT SAFETY.—

''(i) Insofar as the hospital admits a patient and does not have any physician available on the premises to provide services during all hours in which the hospital is providing services to such patient, before admitting the patient—

''(I) the hospital discloses such fact to a patient; and

''(II) following such disclosure, the hospital receives from the patient a signed acknowledgment that the patient understands such fact.

''(ii) The hospital has the capacity to—

''(I) provide assessment and initial treatment for patients; and

''(II) refer and transfer patients to hospitals with the capability to treat the needs of the patient involved.

''(F) LIMITATION ON APPLICATION TO CERTAIN CONVERTED FACILITIES.—The hospital was not converted from an ambulatory surgical center to a hospital on or after the date of enactment of this subsection.

''(2) PUBLICATION OF INFORMATION REPORTED.—The Secretary shall publish, and update on an annual basis, the information submitted by hospitals under paragraph (1)(C)(i) on the public Internet website of the Centers for Medicare & Medicaid Services.

''(3) EXCEPTION TO PROHIBITION ON EXPANSION OF FACILITY CAPACITY.—

''(A) PROCESS.—

''(i) ESTABLISHMENT.—The Secretary shall establish and implement a process under which an applicable hospital (as defined in subparagraph (E)) may apply for an exception from the requirement under paragraph (1)(B).

''(ii) OPPORTUNITY FOR COMMUNITY INPUT.—The process under clause (i) shall provide individuals and entities in the community that the applicable hospital applying for an exception is located with the opportunity to provide input with respect to the application.

''(iii) TIMING FOR IMPLEMENTATION.—The Secretary shall implement the process under clause (i) on November 1, 2009.

''(iv) REGULATIONS.—Not later than November 1, 2009, the Secretary shall promulgate regulations to carry out the process under clause (i).

''(B) FREQUENCY.—The process described in subparagraph (A) shall permit an applicable hospital to apply for an exception up to once every 2 years.

''(C) PERMITTED INCREASE.—

''(i) IN GENERAL.—Subject to clause (ii) and subparagraph (D), an applicable hospital granted an exception under the process described in subparagraph (A) may increase the number of operating rooms, procedure rooms, and beds of the applicable hospital above the baseline number of operating rooms, procedure rooms, and beds of the applicable hospital (or, if the applicable hospital has been granted a previous exception under this paragraph, above the number of operating rooms, procedure rooms, and beds of the hospital after the application of the most recent increase under such an exception).

''(ii) LIFETIME 100 PERCENT INCREASE LIMITATION.—The Secretary shall not permit an increase in the number of operating rooms, procedure rooms, and beds of an applicable hospital under clause (i) to the extent such increase would result in the number of operating rooms, procedure rooms, and beds of the applicable hospital exceeding 200 percent of the baseline number of operating rooms, procedure rooms, and beds of the applicable hospital.

''(iii) BASELINE NUMBER OF OPERATING ROOMS, PROCEDURE ROOMS, AND BEDS.—In this paragraph, the term 'baseline number of operating rooms, procedure rooms, and beds' means the number of operating rooms, procedure rooms, and beds of the applicable hospital as of the date of enactment of this subsection.

''(D) INCREASE LIMITED TO FACILITIES ON THE MAIN CAMPUS OF THE HOSPITAL.—Any increase in the number of operating rooms, procedure rooms, and beds of an applicable hospital pursuant to this paragraph may only occur in facilities on the main campus of the applicable hospital.

''(E) APPLICABLE HOSPITAL.—In this paragraph, the term ''applicable hospital'' means a hospital—

''(i) that is located in a county in which the percentage increase in the population during the most recent 5-year period (as of the date of the application under subparagraph (A)) is at least 150 percent of the percentage increase in the population growth of the State in which the hospital is located during that period, as estimated by Bureau of the Census;

''(ii) whose annual percent of total inpatient admissions that represent inpatient admissions under the program under title XIX is equal to or greater than the average percent with respect to such admissions for all hospitals located in the county in which the hospital is located;

''(iii) that does not discriminate against beneficiaries of Federal health care programs and does not permit physicians practicing at the hospital to discriminate against such beneficiaries;

''(iv) that is located in a State in which the average bed capacity in the State is less than the national average bed capacity; and

''(v) that has an average bed occupancy rate that is greater than the average bed occupancy rate in the State in which the hospital is located.

''(F) PROCEDURE ROOMS.—In this subsection, the term 'procedure rooms' includes rooms in which catheterizations, angiographies, angiograms, and endoscopies are performed, except such term shall not include emergency rooms or departments (exclusive of rooms in which catheterizations, angiographies, angiograms, and endoscopies are performed).

''(G) PUBLICATION OF FINAL DECISIONS.—Not later than 60 days after receiving a complete application under this paragraph, the Secretary shall publish in the Federal Register the final decision with respect to such application.

''(H) LIMITATION ON REVIEW.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise of the process under this paragraph (including the establishment of such process).

''(4) COLLECTION OF OWNERSHIP AND INVESTMENT INFORMATION.—For purposes of subparagraphs (A)(i) and (D)(i) of paragraph (1), the Secretary shall collect physician ownership and investment information for each hospital.

''(5) PHYSICIAN OWNER DEFINED.—For purposes of this subsection, the term 'physician owner' means a physician (or an immediate family member of such physician) with a direct or an indirect ownership interest in the hospital.''.

(b) ENFORCEMENT.—

(1) ENSURING COMPLIANCE.—The Secretary of Health and Human Services shall establish policies and procedures to ensure compliance with the requirements described in subsection (i)(1) of section 1877 of the Social Security Act, as added by subsection (a)(3), beginning on the date such requirements first apply. Such policies and procedures may include unannounced site reviews of hospitals.

(2) AUDITS.—Beginning not later than January 1, 2010, the Secretary of Health and Human Services shall conduct audits to determine if hospitals violate the requirements referred to in paragraph (1).

SEC. 6003. Medicare Improvement Fund.—

Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new section:

''MEDICARE IMPROVEMENT FUND

''SEC. 1898. (a) ESTABLISHMENT.—The Secretary shall establish under this title a Medicare Improvement Fund (in this section referred to as the 'Fund') which shall be available to the Secretary to make improvements under the original fee-for-service program under parts A and B for individuals entitled to, or enrolled for, benefits under part A or enrolled under part B.

''(b) FUNDING.—

''(1) IN GENERAL.—There shall be available to the Fund, for expenditures from the Fund for services furnished during fiscal year 2014, $3,340,000,000.

''(2) PAYMENT FROM TRUST FUNDS.—The amount specified under paragraph (1) shall be available to the Fund, as expenditures are made from the Fund, from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund in such proportion as the Secretary determines appropriate.

''(3) FUNDING LIMITATION.—Amounts in the Fund shall be available in advance of appropriations but only if the total amount obligated from the Fund does not exceed the amount available to the Fund under paragraph (1). The Secretary may obligate funds from the Fund only if the Secretary determines (and the Chief Actuary of the Centers for Medicare & Medicaid Services and the appropriate budget officer certify) that there are available in the Fund sufficient amounts to cover all such obligations incurred consistent with the previous sentence.''.

SEC. 6004. MORATORIUM ON AUGUST 17, 2007 CMS DIRECTIVE. Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to April 1, 2009, finalize, implement, enforce, or otherwise take any action to give effect to any or all components of the State Health Official Letter 07–001, dated August 17, 2007, issued by the Director of the Center for Medicaid and State Operations in the Centers for Medicare & Medicaid Services regarding certain requirements under the State Children's Health Insurance Program (CHIP) relating to the prevention of the substitution of health benefits coverage for children (commonly referred to as ''crowd-out'') and the enforcement of medical support orders (or to any similar administrative actions that reflect the same or similar policies set forth in such letter). Any change made on or after August 17, 2007, to a Medicaid or CHIP State plan or waiver to implement, conform to, or otherwise adhere to the requirements or policies in such letter shall not apply prior to April 1, 2009.

SEC. 6005. ADJUSTMENT TO PAQI FUND. Section 1848(l)(2) of the Social Security Act (42 U.S.C. 1395w–4(l)(2)), as amended by section 101(a)(2) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), is amended—

(1) in subparagraph (A)(i)—

(A) in subclause (III), by striking ''$4,960,000,000'' and inserting ''$3,940,000,000''; and

(B) by adding at the end the following new subclause:

''(IV) For expenditures during 2014, an amount equal to $3,750,000,000.'';

(2) in subparagraph (A)(ii), by adding at the end the following new subclause:

''(IV) 2014.—The amount available for expenditures during 2014 shall only be available for an adjustment to the update of the conversion factor under subsection (d) for that year.''; and

(3) in subparagraph (B)—

(A) in clause (ii), by striking ''and'' at the end;

(B) in clause (iii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new clause:

''(iv) 2014 for payment with respect to physicians' services furnished during 2014.''.

TITLE VII—ACCOUNTABILITY AND COMPETITION IN GOVERNMENT CONTRACTING

CHAPTER 1—CLOSE THE CONTRACTOR FRAUD LOOPHOLE

SHORT TITLE

SEC. 7101. This chapter may be cited as the ''Close the Contractor Fraud Loophole Act''.

REVISION OF THE FEDERAL ACQUISITION REGULATION

SEC. 7102. The Federal Acquisition Regulation shall be amended within 180 days after the date of the enactment of this Act pursuant to FAR Case 2007–006 (as published at 72 Fed Reg. 64019, November 14, 2007) or any follow-on FAR case to include provisions that require timely notification by Federal contractors of violations of Federal criminal law or overpayments in connection with the award or performance of covered contracts or subcontracts, including those performed outside the United States and those for commercial items.

DEFINITION

SEC. 7103. In this chapter, the term ''covered contract'' means any contract in an amount greater than $5,000,000 and more than 120 days in duration.

CHAPTER 2—GOVERNMENT FUNDING TRANSPARENCY

SHORT TITLE

SEC. 7201. This chapter may be cited as the ''Government Funding Transparency Act of 2008''.

FINANCIAL DISCLOSURE REQUIREMENTS FOR CERTAIN RECIPIENTS OF FEDERAL AWARDS

SEC. 7202. (a) DISCLOSURE REQUIREMENTS.—Section 2(b)(1) of the Federal Funding Accountability and Transparency Act (Public Law 109–282; 31 U.S.C. 6101 note) is amended—

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

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following new subparagraph:

''(F) the names and total compensation of the five most highly compensated officers of the entity if—

''(i) the entity in the preceding fiscal year received—

''(I) 80 percent or more of its annual gross revenues in Federal awards; and

''(II) $25,000,000 or more in annual gross revenues from Federal awards; and

''(ii) the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986.''.

(b) REGULATIONS REQUIRED.—The Director of the Office of Management and Budget shall promulgate regulations to implement the amendment made by this chapter. Such regulations shall include a definition of ''total compensation'' that is consistent with regulations of the Securities and Exchange Commission at section 402 of part 229 of title 17 of the Code of Federal Regulations (or any subsequent regulation).

TITLE VIII—EMERGENCY AGRICULTURE RELIEF

SEC. 8001. DEFINITIONS.

In this title:

(1) AGRICULTURAL EMPLOYMENT.—The term ''agricultural employment'' means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor

Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 or the performance of agricultural labor or services described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)).

(2) DEPARTMENT.—The term ''Department'' means the Department of Homeland Security.

(3) EMERGENCY AGRICULTURAL WORKER STATUS.—The term ''emergency agricultural worker status'' means the status of an alien who has been lawfully admitted into the United States for temporary residence under section 8011(a).

(4) EMPLOYER.—The term ''employer'' means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

(5) SECRETARY.—Except as otherwise provided, the term ''Secretary'' means the Secretary of Homeland Security.

(6) WORK DAY.—The term ''work day'' means any day in which the individual is employed 5.75 or more hours in agricultural employment.

SEC. 8002. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this title shall take effect on the date of the enactment of this Act.

(b) EXCEPTION.—Sections 8021 and 8031 shall take effect on the date that is 1 year after the date of the enactment of this Act.

Subtitle A—Emergency Agricultural Workers

SEC. 8011. REQUIREMENTS FOR EMERGENCY AGRICULTURAL WORKER STATUS.

(a) REQUIREMENT TO GRANT EMERGENCY AGRICULTURAL WORKER STATUS.—Notwithstanding any other provision of law, the Secretary shall, pursuant to the requirements of this section, grant emergency agricultural worker status to an alien who qualifies under this section if the Secretary determines that the alien—

(1) during the 48-month period ending on December 31, 2007—

(A) performed agricultural employment in the United States for at least 863 hours or 150 work days; or

(B) earned at least $7,000 from agricultural employment;

(2) applied for emergency agricultural worker status during the 18-month application period beginning on the first day of the seventh month that begins after the date of the enactment of this Act;

(3) is otherwise admissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as otherwise provided under section 8014; and

(4) has not been convicted of any felony or a misdemeanor, an element of which involves bodily injury, threat of serious bodily injury, or damage to property in excess of $500.

(b) AUTHORIZED TRAVEL.—An alien who is granted emergency agricultural worker status is authorized to travel outside the United States (including commuting to the United States from a residence in a foreign country) in the same manner as an alien lawfully admitted for permanent residence.

(c) AUTHORIZED EMPLOYMENT.—The Secretary shall provide an alien who is granted emergency agricultural worker status an employment authorized endorsement or other appropriate work permit, in the same manner as an alien lawfully admitted for permanent residence.

(d) TERMINATION OF EMERGENCY AGRICULTURAL WORKER STATUS.—The Secretary shall terminate emergency agricultural worker status if—

(1) the Secretary determines that the alien is deportable;

(2) the Secretary finds, by a preponderance of the evidence, that the adjustment to emergency agricultural worker status was the result of fraud or willful misrepresentation (as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)));

(3) the alien—

(A) commits an act that makes the alien inadmissible to the United States as an immigrant, except as provided under section 8014;

(B) is convicted of a felony or at least 3 misdemeanors committed in the United States;

(C) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500; or

(D) fails to pay any applicable Federal tax liability pursuant to section 8012(d); or

(4) the Secretary determines that the alien has not fulfilled the work requirement described in subsection (e) during any 1-year period in which the alien was in such status and the Secretary has not waived such requirement under subsection (e)(3).

(e) WORK REQUIREMENT.—

(1) IN GENERAL.—An alien shall perform at least 100 work days of agricultural employment per year to maintain emergency agricultural worker status under this section.

(2) PROOF.—An alien may demonstrate compliance with the requirement under paragraph (1) by submitting—

(A) the record of employment described in paragraph (4); or

(B) the documentation described in section 8013(c)(1).

(3) WAIVER FOR EXTRAORDINARY CIRCUMSTANCES.—

(A) IN GENERAL.—The Secretary may waive the requirement under paragraph (1) for any year in which the alien was unable to work in agricultural employment due to—

(i) pregnancy, injury, or disease, if the alien can establish such pregnancy, disabling injury, or disease through medical records;

(ii) illness, disease, or other special needs of a minor child, if the alien can establish such illness, disease, or special needs through medical records;

(iii) severe weather conditions that prevented the alien from engaging in agricultural employment for a significant period of time; or

(iv) termination from agricultural employment without just cause, if the alien establishes that he or she was unable to find alternative agricultural employment after a reasonable job search.

(B) LIMITATION.—A waiver granted under subparagraph (A)(iv) shall not be conclusive, binding, or admissible in a separate or subsequent action or proceeding between the employee and the employee's current or prior employer.

(4) RECORD OF EMPLOYMENT.—

(A) REQUIREMENT.—Each employer of an alien granted emergency agricultural worker status shall annually provide—

(i) a written record of employment to the alien; and

(ii) a copy of such record to the Secretary.

(B) CIVIL PENALTIES.—

(i) IN GENERAL.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien granted emergency agricultural worker status has failed to provide the record of employment required under subparagraph (A) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed $1,000 per violation.

(ii) LIMITATION.—The penalty applicable under clause (i) for failure to provide records shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this section.

(f) REQUIRED FEATURES OF IDENTITY CARD.—The Secretary shall provide each alien granted emergency agricultural worker status, and the spouse and any child of each such alien residing in the United States, with a card that contains—

(1) an encrypted, machine-readable, electronic identification strip that is unique to the alien to whom the card is issued;

(2) biometric identifiers, including fingerprints and a digital photograph; and

(3) physical security features designed to prevent tampering, counterfeiting, or duplication of the card for fraudulent purposes.

(g) FINE.—An alien granted emergency agricultural worker status shall pay a fine of $250 to the Secretary.

(h) MAXIMUM NUMBER.—The Secretary may not issue more than 1,350,000 emergency agricultural worker cards during the 5-year period beginning on the date of the enactment of this Act.

(i) MAXIMUM LENGTH OF EMERGENCY AGRICULTURAL WORKER STATUS.—Emergency agricultural worker status granted under this section shall continue until the earlier of—

(1) the date on which such status is terminated pursuant to subsection (d); or

(2) 5 years after the date on which such status is granted.

SEC. 8012. TREATMENT OF ALIENS GRANTED EMERGENCY AGRICULTURAL WORKER STATUS.

(a) IN GENERAL.—Except as otherwise provided under this section, an alien granted emergency agricultural worker status (including a spouse or child granted derivative status) shall be considered to be an alien lawfully admitted for permanent residence for purposes of any law other than any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(b) INELIGIBILITY FOR CERTAIN FEDERAL PUBLIC BENEFITS.—An alien granted emergency agricultural worker status (including a spouse or child granted derivative status) shall not be eligible, by reason of such status, for any form of assistance or benefit described in section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)) while in such status.

(c) FEDERAL TAX LIABILITY APPLIES.—

(1) IN GENERAL.—An alien granted emergency agricultural worker status shall pay any applicable Federal tax liability, including penalties and interest, owed for any year during the period of employment required under section 8011(e) for which the statutory period for assessment of any deficiency for such taxes has not expired.

(2) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all taxes required under this subsection.

(d) TREATMENT OF SPOUSES AND MINOR CHILDREN.—

(1) GRANTING OF STATUS AND REMOVAL.—The Secretary shall grant derivative status to the alien spouse and any minor child residing in the United States of an alien granted emergency agricultural worker status and shall not remove such derivative spouse or child during the period in which the principal alien maintains such status, except as provided in paragraph (4). A grant of derivative status to such a spouse or child under this subparagraph shall not decrease the number of aliens who may receive emergency agricultural worker status under section 8011(h).

(2) TRAVEL.—The derivative spouse and any minor child of an alien granted emergency agricultural worker status may travel outside the United States in the same manner

as an alien lawfully admitted for permanent residence.

(3) EMPLOYMENT.—The derivative spouse of an alien granted emergency agricultural worker status may apply to the Secretary for a work permit to authorize such spouse to engage in any lawful employment in the United States while such alien maintains emergency agricultural worker status.

(4) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS AND REMOVAL.—The Secretary shall deny an alien spouse or child adjustment of status under paragraph (1) and shall remove such spouse or child under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) if the spouse or child—

(A) commits an act that makes the alien spouse or child inadmissible to the United States under section 212 of such Act (8 U.S.C. 1182), except as provided under section 8014;

(B) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(C) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

(e) ADJUSTMENT OF STATUS.—Nothing in this Act may be construed to prevent an alien from seeking adjustment of status in accordance with any other provision of law if the alien is otherwise eligible for such adjustment of status.

SEC. 8013. APPLICATIONS.

(a) SUBMISSION.—Applications for emergency agricultural worker status may be submitted to—

(1) the Secretary, if the applicant is represented by an attorney or a nonprofit religious, charitable, social service, or similar organization recognized by the Board of Immigration Appeals under section 292.2 of title 8, Code of Federal Regulations; or

(2) a qualified designated entity if the applicant consents to the forwarding of the application to the Secretary.

(b) QUALIFIED DESIGNATED ENTITY DEFINED.—In this section, the term ''qualified designated entity'' means—

(1) a qualified farm labor organization or an association of employers designated by the Secretary; or

(2) any such other person designated by the Secretary if the Secretary determines such person is qualified and has substantial experience, demonstrated competence, and a history of long-term involvement in the preparation and submission of applications for adjustment of status under section 209, 210, or 245 of the Immigration and Nationality Act (8 U.S.C. 1159, 1160, and 1255), the Act entitled ''An Act to adjust the status of Cuban refugees to that of lawful permanent residents of the United States, and for other purposes'', approved November 2, 1966 (Public Law 89–732; 8 U.S.C. 1255 note), Public Law 95–145 (8 U.S.C. 1255 note), or the Immigration Reform and Control Act of 1986 (Public Law 99–603; 100 Stat. 3359) or any amendment made by that Act.

(c) PROOF OF ELIGIBILITY.—

(1) IN GENERAL.—An alien may establish that the alien meets the requirement of subsections (a)(1) and (e)(1) of section 8011 through government employment records or records supplied by employers or collective bargaining organizations, and such other reliable documentation as the alien may provide. The Secretary shall establish special procedures to properly credit work in cases in which an alien was employed under an assumed name.

(2) DOCUMENTATION OF WORK HISTORY.—

(A) BURDEN OF PROOF.—An alien applying for emergency agricultural worker status has the burden of proving by a preponderance of the evidence that the alien has worked the requisite number of hours or days required under section 8011(a)(1).

(B) TIMELY PRODUCTION OF RECORDS.—If an employer or farm labor contractor employing such an alien has kept proper and adequate records respecting such employment, the alien's burden of proof under subparagraph (A) may be met by securing timely production of those records under regulations to be promulgated by the Secretary.

(C) SUFFICIENT EVIDENCE.—An alien may meet the burden of proof under subparagraph (A) to establish that the alien has performed the days or hours of work required under section 8011(a)(1) by producing sufficient evidence to show the extent of that employment as a matter of just and reasonable inference.

(d) APPLICATIONS SUBMITTED TO QUALIFIED DESIGNATED ENTITIES.—

(1) REQUIREMENTS.—Each qualified designated entity shall agree—

(A) to forward to the Secretary an application submitted to that entity pursuant to subsection (a)(2) if the applicant has consented to such forwarding;

(B) not to forward to the Secretary any such application if the applicant has not consented to such forwarding; and

(C) to assist an alien in obtaining documentation of the alien's work history, if the alien requests such assistance.

(2) NO AUTHORITY TO MAKE DETERMINATIONS.—No qualified designated entity may make a determination required under this title to be made by the Secretary.

(e) LIMITATION ON ACCESS TO INFORMATION.—Files and records collected or compiled by a qualified designated entity for the purposes of this section are confidential and the Secretary shall not have access to such a file or record relating to an alien without the consent of the alien, except as allowed by a court order issued pursuant to subsection (f).

(f) CONFIDENTIALITY OF INFORMATION.—

(1) IN GENERAL.—Except as otherwise provided in this section, the Secretary or any other official or employee of the Department or a bureau or agency of the Department is prohibited from—

(A) using information furnished by the applicant pursuant to an application filed under this title, the information provided by an applicant to a qualified designated entity, or any information provided by an employer or former employer for any purpose other than to make a determination on the application or for imposing the penalties described in subsection (g);

(B) making any publication in which the information furnished by any particular individual can be identified; or

(C) permitting a person other than a sworn officer or employee of the Department or a bureau or agency of the Department or, with respect to applications filed with a qualified designated entity, that qualified designated entity, to examine individual applications.

(2) REQUIRED DISCLOSURES.—The Secretary shall provide the information furnished under this title or any other information derived from such furnished information to—

(A) a duly recognized law enforcement entity in connection with a criminal investigation or prosecution, if such information is requested in writing by such entity; and

(B) an official coroner, for purposes of affirmatively identifying a deceased individual, whether or not the death of such individual resulted from a crime.

(3) CONSTRUCTION.—

(A) IN GENERAL.—Nothing in this subsection shall be construed to limit the use, or release, for immigration enforcement purposes or law enforcement purposes, of information contained in files or records of the Department pertaining to an application filed under this section, other than information furnished by an applicant pursuant to the application, or any other information derived from the application, that is not available from any other source.

(B) CRIMINAL CONVICTIONS.—Notwithstanding any other provision of this subsection, information concerning whether the alien applying for emergency agricultural worker status has been convicted of a crime at any time may be used or released for immigration enforcement or law enforcement purposes.

(4) CRIME.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this subsection shall be subject to a fine in an amount not to exceed $10,000.

(g) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—

(1) CRIMINAL PENALTY.—Any person who—

(A) files an application for emergency agricultural worker status and knowingly and willfully falsifies, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, or

(B) creates or supplies a false writing or document for use in making such an application,

shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

(2) INADMISSIBILITY.—An alien who is convicted of a crime under paragraph (1) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)).

(h) ELIGIBILITY FOR LEGAL SERVICES.—Section 504(a)(11) of Public Law 104–134 (110 Stat. 1321–53 et seq.) shall not be construed to prevent a recipient of funds under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) from providing legal assistance directly related to an application for emergency agricultural worker status.

(i) APPLICATION FEES.—

(1) FEE SCHEDULE.—The Secretary shall provide for a schedule of fees that—

(A) shall be charged for the filing of an application for emergency agricultural worker status; and

(B) may be charged by qualified designated entities to help defray the costs of services provided to such applicants.

(2) PROHIBITION ON EXCESS FEES BY QUALIFIED DESIGNATED ENTITIES.—A qualified designated entity may not charge any fee in excess of, or in addition to, the fees authorized under paragraph (1)(B) for services provided to applicants.

(3) DISPOSITION OF FEES.—

(A) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the ''Agricultural Worker Immigration Status Adjustment Account''. Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under paragraph (1)(A).

(B) USE OF FEES FOR APPLICATION PROCESSING.—Amounts deposited in the ''Agricultural Worker Immigration Status Adjustment Account'' shall remain available to the Secretary until expended for processing applications for emergency agricultural worker status.

SEC. 8014. WAIVER OF NUMERICAL LIMITATIONS AND CERTAIN GROUNDS FOR INADMISSIBILITY.

(a) WAIVER OF CERTAIN GROUNDS OF INADMISSIBILITY.—In the determination of an alien's eligibility for emergency agricultural

worker status, the following rules shall apply:

(1) GROUNDS OF EXCLUSION NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), (7), and (9) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(2) WAIVER OF OTHER GROUNDS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary may waive any other provision of such section 212(a) in the case of individual aliens for humanitarian purposes, to ensure family unity, or if otherwise in the public interest.

(B) GROUNDS THAT MAY NOT BE WAIVED.—Paragraphs (2)(A), (2)(B), (2)(C), (2)(D), (2)(G), (2)(H), (2)(I), (3), and (4) of such section 212(a) may not be waived by the Secretary under subparagraph (A).

(C) CONSTRUCTION.—Nothing in this paragraph shall be construed as affecting the authority of the Secretary other than under this subparagraph to waive provisions of such section 212(a).

(3) SPECIAL RULE FOR DETERMINATION OF PUBLIC CHARGE.—An alien is not ineligible for emergency agricultural worker status by reason of a ground of inadmissibility under section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) if the alien demonstrates a history of employment in the United States evidencing self-support without reliance on public cash assistance.

(b) TEMPORARY STAY OF REMOVAL AND WORK AUTHORIZATION FOR CERTAIN APPLICANTS.—

(1) BEFORE APPLICATION PERIOD.—Effective on the date of the enactment of this Act, an alien who is apprehended before the beginning of the application period described in section 8011(a)(2) and who can establish a nonfrivolous case of eligibility for emergency agricultural worker status (but for the fact that the alien may not apply for such status until the beginning of such period)—

(A) may not be removed until the alien has had the opportunity during the first 30 days of the application period to complete the filing of an application for such status; and

(B) shall be granted authorization to engage in employment in the United States and be provided an employment authorized endorsement or other appropriate work permit for such purpose.

(2) DURING APPLICATION PERIOD.—An alien who presents a nonfrivolous application for emergency agricultural worker status during the application period described in section 8011(a)(2), including an alien who files such an application not later than 30 days after the alien's apprehension—

(A) may not be removed until a final determination on the application has been made in accordance with this section; and

(B) shall be granted authorization to engage in employment in the United States and be provided an employment authorized endorsement or other appropriate work permit for such purpose.

SEC. 8015. ADMINISTRATIVE AND JUDICIAL REVIEW.

(a) IN GENERAL.—There shall be no administrative or judicial review of a determination respecting an application for emergency agricultural worker status under this title.

(b) ADMINISTRATIVE REVIEW.—

(1) SINGLE LEVEL OF ADMINISTRATIVE APPELLATE REVIEW.—The Secretary shall establish an appellate authority to provide for a single level of administrative appellate review of such a determination.

(2) STANDARD FOR REVIEW.—Such administrative appellate review shall be based solely upon the administrative record established at the time of the determination on the application and upon such additional or newly discovered evidence as may not have been available at the time of the determination.

(c) JUDICIAL REVIEW.—

(1) LIMITATION TO REVIEW OF REMOVAL.—There shall be judicial review of such a determination only in the judicial review of an order of removal under section 242 of the Immigration and Nationality Act (8 U.S.C. 1252).

(2) STANDARD FOR JUDICIAL REVIEW.—Such judicial review shall be based solely upon the administrative record established at the time of the review by the appellate authority and the findings of fact and determinations contained in such record shall be conclusive unless the applicant can establish abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record considered as a whole.

SEC. 8016. DISSEMINATION OF INFORMATION.

Beginning not later than the first day of the application period described in section 8011(a)(2), the Secretary, in cooperation with qualified designated entities (as that term is defined in section 8013(b)), shall broadly disseminate information respecting the benefits that aliens may receive under this title and the requirements that an alien is required to meet to receive such benefits.

SEC. 8017. RULEMAKING; EFFECTIVE DATE; AUTHORIZATION OF APPROPRIATIONS.

(a) RULEMAKING.—The Secretary shall issue regulations to implement this title not later than the first day of the seventh month that begins after the date of the enactment of this Act.

(b) EFFECTIVE DATE.—Except as otherwise provided, this title shall take effect on the date that regulations required under subsection (a) are issued, regardless of whether such regulations are issued on an interim basis or on any other basis.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for fiscal years 2008 and 2009 such sums as may be necessary to implement this title.

SEC. 8018. PRECLUSION OF SOCIAL SECURITY CREDITS FOR PERIODS WITHOUT WORK AUTHORIZATION.

(a) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by adding at the end the following:

''(d)(1) Except as provided in paragraph (2), for purposes of subsections (a) and (b), no quarter of coverage shall be credited for any calendar year beginning on or after January 1, 2004, with respect to an individual granted emergency agricultural worker status under section 8011 of the Emergency Agriculture Relief Act of 2008, unless the Commissioner of Social Security determines, on the basis of information provided to the Commissioner in accordance with an agreement under subsection (e) or otherwise, that the individual was authorized to be employed in the United States during such quarter.

''(2) Paragraph (1) shall not apply to an individual who was assigned a social security account number before January 1, 2004.

''(e) Not later than 180 days after the date of the enactment of this subsection, the Secretary of Homeland Security shall enter into an agreement with the Commissioner of Social Security to provide such information as the Commissioner determines necessary to carry out the limitation on crediting quarters of coverage under subsection (d).''.

(b) BENEFIT COMPUTATION.—Section 215(e) of the Social Security Act (42 U.S.C. 415(e)) is amended—

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

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(3) in computing the average indexed monthly earnings of an individual, wages or self-employment income shall not be counted for any year for which no quarter of coverage may be credited to such individual pursuant to section 214(d).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to benefit applications filed on or after the date that is 180 days after the date of the enactment of this Act based on the wages or self-employment income of an individual with respect to whom a primary insurance amount has not been determined under title II of the Social Security Act (42 U.S.C. 401 et seq.) before such date.

SEC. 8019. CORRECTION OF SOCIAL SECURITY RECORDS.

(a) IN GENERAL.—Section 208(e)(1) of the Social Security Act (42 U.S.C. 408(e)(1)) is amended—

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

(2) in subparagraph (C), by inserting ''or'' at the end;

(3) by inserting after subparagraph (C) the following:

''(D) who is granted emergency agricultural worker status under the Emergency Agriculture Relief Act of 2008,''; and

(4) by striking ''1990.'' and inserting ''1990, or in the case of an alien described in subparagraph (D), if such conduct is alleged to have occurred before the date on which the alien was granted emergency agricultural worker status.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the seventh month that begins after the date of the enactment of this Act.

Subtitle B—H–2A Worker Program

SEC. 8021. REFORM OF H–2A WORKER PROGRAM.

(a) IN GENERAL.—Title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.) is amended by striking section 218 and inserting the following:

''SEC. 218. H–2A EMPLOYER APPLICATIONS.

''(a) APPLICATIONS TO THE SECRETARY OF LABOR.—

''(1) IN GENERAL.—No alien may be admitted to the United States as an H–2A worker, or otherwise provided status as an H–2A worker, unless the employer has filed with the Secretary of Labor an application containing—

''(A) the assurances described in subsection (b);

''(B) a description of the nature and location of the work to be performed;

''(C) the anticipated period (expected beginning and ending dates) for which the workers will be needed; and

''(D) the number of job opportunities in which the employer seeks to employ the workers.

''(2) ACCOMPANIED BY JOB OFFER.—Each application filed under paragraph (1) shall be accompanied by a copy of the job offer describing the wages and other terms and conditions of employment and the bona fide occupational qualifications that shall be possessed by a worker to be employed in the job opportunity in question.

''(b) ASSURANCES FOR INCLUSION IN APPLICATIONS.—The assurances referred to in subsection (a)(1) are the following:

''(1) JOB OPPORTUNITIES COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is covered under a collective bargaining agreement:

''(A) UNION CONTRACT DESCRIBED.—The job opportunity is covered by a union contract which was negotiated at arm's length between a bona fide union and the employer.

''(B) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer is requesting an H–2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

''(C) NOTIFICATION OF BARGAINING REPRESENTATIVES.—The employer, at the time of filing the application, has provided notice of the filing under this paragraph to the bargaining representative of the employer's employees in the occupational classification at the place or places of employment for which aliens are sought.

''(D) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

''(E) OFFERS TO UNITED STATES WORKERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or the nonimmigrants are, sought and who will be available at the time and place of need.

''(F) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of, and in the course of, the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

''(2) JOB OPPORTUNITIES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is not covered under a collective bargaining agreement:

''(A) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer has applied for an H–2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

''(B) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

''(C) BENEFIT, WAGE, AND WORKING CONDITIONS.—The employer will provide, at a minimum, the benefits, wages, and working conditions required by section 218A to all workers employed in the job opportunities for which the employer has applied for an H–2A worker under subsection (a) and to all other workers in the same occupation at the place of employment.

''(D) NONDISPLACEMENT OF UNITED STATES WORKERS.—The employer did not displace and will not displace a United States worker employed by the employer during the period of employment and for a period of 30 days preceding the period of employment in the occupation at the place of employment for which the employer has applied for an H–2A worker.

''(E) REQUIREMENTS FOR PLACEMENT OF THE NONIMMIGRANT WITH OTHER EMPLOYERS.—The employer will not place the nonimmigrant with another employer unless—

''(i) the nonimmigrant performs duties in whole or in part at 1 or more worksites owned, operated, or controlled by such other employer;

''(ii) there are indicia of an employment relationship between the nonimmigrant and such other employer; and

''(iii) the employer has inquired of the other employer as to whether, and has no actual knowledge or notice that, during the period of employment and for a period of 30 days preceding the period of employment, the other employer has displaced or intends to displace a United States worker employed by the other employer in the occupation at the place of employment for which the employer seeks approval to employ H–2A workers.

''(F) STATEMENT OF LIABILITY.—The application form shall include a clear statement explaining the liability under subparagraph (E) of an employer if the other employer described in such subparagraph displaces a United States worker as described in such subparagraph.

''(G) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

''(H) EMPLOYMENT OF UNITED STATES WORKERS.—

''(i) RECRUITMENT.—The employer has taken or will take the following steps to recruit United States workers for the job opportunities for which the H–2A nonimmigrant is, or H–2A nonimmigrants are, sought:

''(I) CONTACTING FORMER WORKERS.—The employer shall make reasonable efforts through the sending of a letter by United States Postal Service mail, or otherwise, to contact any United States worker the employer employed during the previous season in the occupation at the place of intended employment for which the employer is applying for workers and has made the availability of the employer's job opportunities in the occupation at the place of intended employment known to such previous workers, unless the worker was terminated from employment by the employer for a lawful job-related reason or abandoned the job before the worker completed the period of employment of the job opportunity for which the worker was hired.

''(II) FILING A JOB OFFER WITH THE LOCAL OFFICE OF THE STATE EMPLOYMENT SECURITY AGENCY.—Not later than 28 days before the date on which the employer desires to employ an H–2A worker in a temporary or seasonal agricultural job opportunity, the employer shall submit a copy of the job offer described in subsection (a)(2) to the local office of the State employment security agency which serves the area of intended employment and authorize the posting of the job opportunity on 'America's Job Bank' or other electronic job registry, except that nothing in this subclause shall require the employer to file an interstate job order under section 653 of title 20, Code of Federal Regulations.

''(III) ADVERTISING OF JOB OPPORTUNITIES.—Not later than 14 days before the date on which the employer desires to employ an H–2A worker in a temporary or seasonal agricultural job opportunity, the employer shall advertise the availability of the job opportunities for which the employer is seeking workers in a publication in the local labor market that is likely to be patronized by potential farm workers.

''(IV) EMERGENCY PROCEDURES.—The Secretary of Labor shall, by regulation, provide a procedure for acceptance and approval of applications in which the employer has not complied with the provisions of this subparagraph because the employer's need for H–2A workers could not reasonably have been foreseen.

''(ii) JOB OFFERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or nonimmigrants are, sought and who will be available at the time and place of need.

''(iii) PERIOD OF EMPLOYMENT.—The employer will provide employment to any qualified United States worker who applies to the employer during the period beginning on the date on which the H–2A worker departs for the employer's place of employment and ending on the date on which 50 percent of the period of employment for which the H–2A worker who is in the job was hired has elapsed, subject to the following requirements:

''(I) PROHIBITION.—No person or entity shall willfully and knowingly withhold United States workers before the arrival of H–2A workers in order to force the hiring of United States workers under this clause.

''(II) COMPLAINTS.—Upon receipt of a complaint by an employer that a violation of subclause (I) has occurred, the Secretary of Labor shall immediately investigate. The Secretary of Labor shall, within 36 hours of the receipt of the complaint, issue findings concerning the alleged violation. If the Secretary of Labor finds that a violation has occurred, the Secretary of Labor shall immediately suspend the application of this clause with respect to that certification for that date of need.

''(III) PLACEMENT OF UNITED STATES WORKERS.—Before referring a United States worker to an employer during the period described in the matter preceding subclause (I), the Secretary of Labor shall make all reasonable efforts to place the United States worker in an open job acceptable to the worker, if there are other job offers pending with the job service that offer similar job opportunities in the area of intended employment.

''(iv) STATUTORY CONSTRUCTION.—Nothing in this subparagraph shall be construed to prohibit an employer from using such legitimate selection criteria relevant to the type of job that are normal or customary to the type of job involved so long as such criteria are not applied in a discriminatory manner.

''(c) APPLICATIONS BY ASSOCIATIONS ON BEHALF OF EMPLOYER MEMBERS.—

''(1) IN GENERAL.—An agricultural association may file an application under subsection (a) on behalf of 1 or more of its employer members that the association certifies in its application has or have agreed in writing to comply with the requirements of this section and sections 218A, 218B, and 218C.

''(2) TREATMENT OF ASSOCIATIONS ACTING AS EMPLOYERS.—If an association filing an application under paragraph (1) is a joint or sole employer of the temporary or seasonal agricultural workers requested on the application, the certifications granted under subsection (e)(2)(B) to the association may be used for the certified job opportunities of any of its producer members named on the application, and such workers may be transferred among such producer members to perform the agricultural services of a temporary or seasonal nature for which the certifications were granted.

''(d) WITHDRAWAL OF APPLICATIONS.—

''(1) IN GENERAL.—An employer may withdraw an application filed pursuant to subsection (a), except that if the employer is an agricultural association, the association may withdraw an application filed pursuant to subsection (a) with respect to 1 or more of its members. To withdraw an application, the employer or association shall notify the Secretary of Labor in writing, and the Secretary of Labor shall acknowledge in writing the receipt of such withdrawal notice. An employer who withdraws an application under subsection (a), or on whose behalf an application is withdrawn, is relieved of the obligations undertaken in the application.

''(2) LIMITATION.—An application may not be withdrawn while any alien provided status under section 101(a)(15)(H)(ii)(a) pursuant to such application is employed by the employer.

''(3) OBLIGATIONS UNDER OTHER STATUTES.—Any obligation incurred by an employer under any other law or regulation as a result of the recruitment of United States workers or H–2A workers under an offer of terms and

conditions of employment required as a result of making an application under subsection (a) is unaffected by withdrawal of such application.

''(e) REVIEW AND APPROVAL OF APPLICATIONS.—

''(1) RESPONSIBILITY OF EMPLOYERS.—The employer shall make available for public examination, within 1 working day after the date on which an application under subsection (a) is filed, at the employer's principal place of business or worksite, a copy of each such application (and such accompanying documents as are necessary).

''(2) RESPONSIBILITY OF THE SECRETARY OF LABOR.—

''(A) COMPILATION OF LIST.—The Secretary of Labor shall compile, on a current basis, a list (by employer and by occupational classification) of the applications filed under subsection (a). Such list shall include the wage rate, number of workers sought, period of intended employment, and date of need. The Secretary of Labor shall make such list available for examination in the District of Columbia.

''(B) REVIEW OF APPLICATIONS.—The Secretary of Labor shall review such an application only for completeness and obvious inaccuracies. Unless the Secretary of Labor finds that the application is incomplete or obviously inaccurate, the Secretary of Labor shall certify that the intending employer has filed with the Secretary of Labor an application as described in subsection (a). Such certification shall be provided within 7 days of the filing of the application.''

''SEC. 218A. H–2A WORKER EMPLOYMENT REQUIREMENTS.

''(a) PREFERENTIAL TREATMENT OF ALIENS PROHIBITED.—Employers seeking to hire United States workers shall offer the United States workers no less than the same benefits, wages, and working conditions that the employer is offering, intends to offer, or will provide to H–2A workers. Conversely, no job offer may impose on United States workers any restrictions or obligations which will not be imposed on the employer's H–2A workers.

''(b) MINIMUM BENEFITS, WAGES, AND WORKING CONDITIONS.—Except in cases where higher benefits, wages, or working conditions are required by the provisions of subsection (a), in order to protect similarly employed United States workers from adverse effects with respect to benefits, wages, and working conditions, every job offer which shall accompany an application under section 218(b)(2) shall include each of the following benefit, wage, and working condition provisions:

''(1) REQUIREMENT TO PROVIDE HOUSING OR A HOUSING ALLOWANCE.—

''(A) IN GENERAL.—An employer applying under section 218(a) for H–2A workers shall offer to provide housing at no cost to all workers in job opportunities for which the employer has applied under that section and to all other workers in the same occupation at the place of employment, whose place of residence is beyond normal commuting distance.

''(B) TYPE OF HOUSING.—In complying with subparagraph (A), an employer may, at the employer's election, provide housing that meets applicable Federal standards for temporary labor camps or secure housing that meets applicable local standards for rental or public accommodation housing or other substantially similar class of habitation, or in the absence of applicable local standards, State standards for rental or public accommodation housing or other substantially similar class of habitation. In the absence of applicable local or State standards, Federal temporary labor camp standards shall apply.

''(C) FAMILY HOUSING.—If it is the prevailing practice in the occupation and area of intended employment to provide family housing, family housing shall be provided to workers with families who request it.

''(D) WORKERS ENGAGED IN THE RANGE PRODUCTION OF LIVESTOCK.—The Secretary of Labor shall issue regulations that address the specific requirements for the provision of housing to workers engaged in the range production of livestock.

''(E) LIMITATION.—Nothing in this paragraph shall be construed to require an employer to provide or secure housing for persons who were not entitled to such housing under the temporary labor certification regulations in effect on June 1, 1986.

''(F) CHARGES FOR HOUSING.—

''(i) CHARGES FOR PUBLIC HOUSING.—If public housing provided for migrant agricultural workers under the auspices of a local, county, or State government is secured by an employer, and use of the public housing unit normally requires charges from migrant workers, such charges shall be paid by the employer directly to the appropriate individual or entity affiliated with the housing's management.

''(ii) DEPOSIT CHARGES.—Charges in the form of deposits for bedding or other similar incidentals related to housing shall not be levied upon workers by employers who provide housing for their workers. An employer may require a worker found to have been responsible for damage to such housing which is not the result of normal wear and tear related to habitation to reimburse the employer for the reasonable cost of repair of such damage.

''(G) HOUSING ALLOWANCE AS ALTERNATIVE.—

''(i) IN GENERAL.—If the requirement set out in clause (ii) is satisfied, the employer may provide a reasonable housing allowance instead of offering housing under subparagraph (A). Upon the request of a worker seeking assistance in locating housing, the employer shall make a good faith effort to assist the worker in identifying and locating housing in the area of intended employment. An employer who offers a housing allowance to a worker, or assists a worker in locating housing which the worker occupies, pursuant to this clause shall not be deemed a housing provider under section 203 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1823) solely by virtue of providing such housing allowance. No housing allowance may be used for housing which is owned or controlled by the employer.

''(ii) CERTIFICATION.—The requirement of this clause is satisfied if the Governor of the State certifies to the Secretary of Labor that there is adequate housing available in the area of intended employment for migrant farm workers and H–2A workers who are seeking temporary housing while employed in agricultural work. Such certification shall expire after 3 years unless renewed by the Governor of the State.

''(iii) AMOUNT OF ALLOWANCE.—

''(I) NONMETROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this subparagraph is a nonmetropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for nonmetropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

''(II) METROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this paragraph is in a metropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for metropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

''(2) REIMBURSEMENT OF TRANSPORTATION.—

''(A) TO PLACE OF EMPLOYMENT.—A worker who completes 50 percent of the period of employment of the job opportunity for which the worker was hired shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place from which the worker came to work for the employer (or place of last employment, if the worker traveled from such place) to the place of employment.

''(B) FROM PLACE OF EMPLOYMENT.—A worker who completes the period of employment for the job opportunity involved shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place of employment to the place from which the worker, disregarding intervening employment, came to work for the employer, or to the place of next employment, if the worker has contracted with a subsequent employer who has not agreed to provide or pay for the worker's transportation and subsistence to such subsequent employer's place of employment.

''(C) LIMITATION.—

''(i) AMOUNT OF REIMBURSEMENT.—Except as provided in clause (ii), the amount of reimbursement provided under subparagraph (A) or (B) to a worker or alien shall not exceed the lesser of—

''(I) the actual cost to the worker or alien of the transportation and subsistence involved; or

''(II) the most economical and reasonable common carrier transportation charges and subsistence costs for the distance involved.

''(ii) DISTANCE TRAVELED.—No reimbursement under subparagraph (A) or (B) shall be required if the distance traveled is 100 miles or less, or the worker is not residing in employer-provided housing or housing secured through an allowance as provided in paragraph (1)(G).

''(D) EARLY TERMINATION.—If the worker is laid off or employment is terminated for contract impossibility (as described in paragraph (4)(D)) before the anticipated ending date of employment, the employer shall provide the transportation and subsistence required by subparagraph (B) and, notwithstanding whether the worker has completed 50 percent of the period of employment, shall provide the transportation reimbursement required by subparagraph (A).

''(E) TRANSPORTATION BETWEEN LIVING QUARTERS AND WORKSITE.—The employer shall provide transportation between the worker's living quarters and the employer's worksite without cost to the worker, and such transportation will be in accordance with applicable laws and regulations.

''(3) REQUIRED WAGES.—

''(A) IN GENERAL.—An employer applying for workers under section 218(a) shall offer to pay, and shall pay, all workers in the occupation for which the employer has applied for workers, not less (and is not required to pay more) than the greater of the prevailing wage in the occupation in the area of intended employment or the adverse effect wage rate. No worker shall be paid less than the greater of the hourly wage prescribed under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State minimum wage.

''(B) LIMITATION.—Effective on the date of the enactment of the Emergency Agriculture

Relief Act of 2008 and continuing for 3 years thereafter, no adverse effect wage rate for a State may be more than the adverse effect wage rate for that State in effect on January 1, 2008, as established by section 655.107 of title 20, Code of Federal Regulations.

''(C) REQUIRED WAGES AFTER 3-YEAR FREEZE.—If Congress does not set a new wage standard applicable to this section before March 1, 2012, the adverse effect wage rate for each State beginning on March 1, 2012 shall be the wage rate that would have resulted under the methodology in effect on January 1, 2008.

''(D) DEDUCTIONS.—The employer shall make only those deductions from the worker's wages that are authorized by law or are reasonable and customary in the occupation and area of employment. The job offer shall specify all deductions not required by law which the employer will make from the worker's wages.

''(E) FREQUENCY OF PAY.—The employer shall pay the worker not less frequently than twice monthly, or in accordance with the prevailing practice in the area of employment, whichever is more frequent.

''(F) HOURS AND EARNINGS STATEMENTS.—The employer shall furnish to the worker, on or before each payday, in 1 or more written statements—

''(i) the worker's total earnings for the pay period;

''(ii) the worker's hourly rate of pay, piece rate of pay, or both;

''(iii) the hours of employment which have been offered to the worker (broken out by hours offered in accordance with and over and above the ¾ guarantee described in paragraph (4);

''(iv) the hours actually worked by the worker;

''(v) an itemization of the deductions made from the worker's wages; and

''(vi) if piece rates of pay are used, the units produced daily.

''(G) REPORT ON WAGE PROTECTIONS.—Not later than December 31, 2010, the Comptroller General of the United States shall prepare and transmit to the Secretary of Labor, the Committee on the Judiciary of the Senate, and Committee on the Judiciary of the House of Representatives, a report that addresses—

''(i) whether the employment of H–2A or unauthorized aliens in the United States agricultural workforce has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

''(ii) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

''(iii) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

''(iv) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage; and

''(v) recommendations for future wage protection under this section.

''(H) COMMISSION ON WAGE STANDARDS.—

''(i) ESTABLISHMENT.—There is established the Commission on Agricultural Wage Standards under the H–2A program (in this subparagraph referred to as the 'Commission').

''(ii) COMPOSITION.—The Commission shall consist of 10 members as follows:

''(I) Four representatives of agricultural employers and 1 representative of the Department of Agriculture, each appointed by the Secretary of Agriculture.

''(II) Four representatives of agricultural workers and 1 representative of the Department of Labor, each appointed by the Secretary of Labor.

''(iii) FUNCTIONS.—The Commission shall conduct a study that shall address—

''(I) whether the employment of H–2A or unauthorized aliens in the United States agricultural workforce has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

''(II) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

''(III) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

''(IV) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage rate; and

''(V) recommendations for future wage protection under this section.

''(iv) FINAL REPORT.—Not later than December 31, 2010, the Commission shall submit a report to the Congress setting forth the findings of the study conducted under clause (iii).

''(v) TERMINATION DATE.—The Commission shall terminate upon submitting its final report.

''(4) GUARANTEE OF EMPLOYMENT.—

''(A) OFFER TO WORKER.—The employer shall guarantee to offer the worker employment for the hourly equivalent of at least ¾ of the work days of the total period of employment, beginning with the first work day after the arrival of the worker at the place of employment and ending on the expiration date specified in the job offer. For purposes of this subparagraph, the hourly equivalent means the number of hours in the work days as stated in the job offer and shall exclude the worker's Sabbath and Federal holidays. If the employer affords the United States or H–2A worker less employment than that required under this paragraph, the employer shall pay such worker the amount which the worker would have earned had the worker, in fact, worked for the guaranteed number of hours.

''(B) FAILURE TO WORK.—Any hours which the worker fails to work, up to a maximum of the number of hours specified in the job offer for a work day, when the worker has been offered an opportunity to do so, and all hours of work actually performed (including voluntary work in excess of the number of hours specified in the job offer in a work day, on the worker's Sabbath, or on Federal holidays) may be counted by the employer in calculating whether the period of guaranteed employment has been met.

''(C) ABANDONMENT OF EMPLOYMENT, TERMINATION FOR CAUSE.—If the worker voluntarily abandons employment before the end of the contract period, or is terminated for cause, the worker is not entitled to the '¾ guarantee' described in subparagraph (A).

''(D) CONTRACT IMPOSSIBILITY.—If, before the expiration of the period of employment specified in the job offer, the services of the worker are no longer required for reasons beyond the control of the employer due to any form of natural disaster, including a flood, hurricane, freeze, earthquake, fire, drought, plant or animal disease or pest infestation, or regulatory drought, before the guarantee in subparagraph (A) is fulfilled, the employer may terminate the worker's employment. In the event of such termination, the employer shall fulfill the employment guarantee in subparagraph (A) for the work days that have elapsed from the first work day after the arrival of the worker to the termination of employment. In such cases, the employer will make efforts to transfer the United States worker to other comparable employment acceptable to the worker. If such transfer is not effected, the employer shall provide the return transportation required in paragraph (2)(D).

''(5) MOTOR VEHICLE SAFETY.—

''(A) MODE OF TRANSPORTATION SUBJECT TO COVERAGE.—

''(i) IN GENERAL.—Except as provided in clauses (iii) and (iv), this subsection applies to any H–2A employer that uses or causes to be used any vehicle to transport an H–2A worker within the United States.

''(ii) DEFINED TERM.—In this paragraph, the term 'uses or causes to be used'—

''(I) applies only to transportation provided by an H–2A employer to an H–2A worker, or by a farm labor contractor to an H–2A worker at the request or direction of an H–2A employer; and

''(II) does not apply to—

''(aa) transportation provided, or transportation arrangements made, by an H–2A worker, unless the employer specifically requested or arranged such transportation; or

''(bb) car pooling arrangements made by H–2A workers themselves, using 1 of the workers' own vehicles, unless specifically requested by the employer directly or through a farm labor contractor.

''(iii) CLARIFICATION.—Providing a job offer to an H–2A worker that causes the worker to travel to or from the place of employment, or the payment or reimbursement of the transportation costs of an H–2A worker by an H–2A employer, shall not constitute an arrangement of, or participation in, such transportation.

''(iv) AGRICULTURAL MACHINERY AND EQUIPMENT EXCLUDED.—This subsection does not apply to the transportation of an H–2A worker on a tractor, combine, harvester, picker, or other similar machinery or equipment while such worker is actually engaged in the planting, cultivating, or harvesting of agricultural commodities or the care of livestock or poultry or engaged in transportation incidental thereto.

''(v) COMMON CARRIERS EXCLUDED.—This subsection does not apply to common carrier motor vehicle transportation in which the provider holds itself out to the general public as engaging in the transportation of passengers for hire and holds a valid certification of authorization for such purposes from an appropriate Federal, State, or local agency.

''(B) APPLICABILITY OF STANDARDS, LICENSING, AND INSURANCE REQUIREMENTS.—

''(i) IN GENERAL.—When using, or causing to be used, any vehicle for the purpose of providing transportation to which this subparagraph applies, each employer shall—

''(I) ensure that each such vehicle conforms to the standards prescribed by the Secretary of Labor under section 401(b) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1841(b)) and other applicable Federal and State safety standards;

''(II) ensure that each driver has a valid and appropriate license, as provided by State law, to operate the vehicle; and

''(III) have an insurance policy or a liability bond that is in effect which insures the employer against liability for damage to persons or property arising from the ownership, operation, or causing to be operated, of any vehicle used to transport any H–2A worker.

''(ii) AMOUNT OF INSURANCE REQUIRED.—The level of insurance required shall be determined by the Secretary of Labor pursuant to regulations to be issued under this subsection.

''(iii) EFFECT OF WORKERS' COMPENSATION COVERAGE.—If the employer of any H–2A worker provides workers' compensation coverage for such worker in the case of bodily injury or death as provided by State law, the following adjustments in the requirements of subparagraph (B)(i)(III) relating to having an insurance policy or liability bond apply:

''(I) No insurance policy or liability bond shall be required of the employer, if such workers are transported only under circumstances for which there is coverage under such State law.

''(II) An insurance policy or liability bond shall be required of the employer for circumstances under which coverage for the transportation of such workers is not provided under such State law.

''(c) COMPLIANCE WITH LABOR LAWS.—An employer shall assure that, except as otherwise provided in this section, the employer will comply with all applicable Federal, State, and local labor laws, including laws affecting migrant and seasonal agricultural workers, with respect to all United States workers and alien workers employed by the employer, except that a violation of this assurance shall not constitute a violation of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

''(d) COPY OF JOB OFFER.—The employer shall provide to the worker, not later than the day the work commences, a copy of the employer's application and job offer described in section 218(a), or, if the employer will require the worker to enter into a separate employment contract covering the employment in question, such separate employment contract.

''(e) RANGE PRODUCTION OF LIVESTOCK.—Nothing in this section, section 218, or section 218B shall preclude the Secretary of Labor and the Secretary from continuing to apply special procedures and requirements to the admission and employment of aliens in occupations involving the range production of livestock.

''SEC. 218B. PROCEDURE FOR ADMISSION AND EXTENSION OF STAY OF H–2A WORKERS.

''(a) PETITIONING FOR ADMISSION.—An employer, or an association acting as an agent or joint employer for its members, that seeks the admission into the United States of an H–2A worker may file a petition with the Secretary. The petition shall be accompanied by an accepted and currently valid certification provided by the Secretary of Labor under section 218(e)(2)(B) covering the petitioner.

''(b) EXPEDITED ADJUDICATION BY THE SECRETARY.—The Secretary shall establish a procedure for expedited adjudication of petitions filed under subsection (a) and within 7 working days shall, by fax, cable, or other means assuring expedited delivery, transmit a copy of notice of action on the petition to the petitioner and, in the case of approved petitions, to the appropriate immigration officer at the port of entry or United States consulate (as the case may be) where the petitioner has indicated that the alien beneficiary (or beneficiaries) will apply for a visa or admission to the United States.

''(c) CRITERIA FOR ADMISSIBILITY.—

''(1) IN GENERAL.—An H–2A worker shall be considered admissible to the United States if the alien is otherwise admissible under this section, section 218, and section 218A, and the alien is not ineligible under paragraph (2).

''(2) DISQUALIFICATION.—An alien shall be considered inadmissible to the United States and ineligible for nonimmigrant status under section 101(a)(15)(H)(ii)(a) if the alien has, at any time during the past 5 years—

''(A) violated a material provision of this section, including the requirement to promptly depart the United States when the alien's authorized period of admission under this section has expired; or

''(B) otherwise violated a term or condition of admission into the United States as a nonimmigrant, including overstaying the period of authorized admission as such a nonimmigrant.

''(3) WAIVER OF INELIGIBILITY FOR UNLAWFUL PRESENCE.—

''(A) IN GENERAL.—An alien who has not previously been admitted into the United States pursuant to this section, and who is otherwise eligible for admission in accordance with paragraphs (1) and (2), shall not be deemed inadmissible by virtue of section 212(a)(9)(B). If an alien described in the preceding sentence is present in the United States, the alien may apply from abroad for H–2A status, but may not be granted that status in the United States.

''(B) MAINTENANCE OF WAIVER.—An alien provided an initial waiver of ineligibility pursuant to subparagraph (A) shall remain eligible for such waiver unless the alien violates the terms of this section or again becomes ineligible under section 212(a)(9)(B) by virtue of unlawful presence in the United States after the date of the initial waiver of ineligibility pursuant to subparagraph (A).

''(d) PERIOD OF ADMISSION.—

''(1) IN GENERAL.—The alien shall be admitted for the period of employment in the application certified by the Secretary of Labor pursuant to section 218(e)(2)(B), not to exceed 10 months, supplemented by a period of not more than 1 week before the beginning of the period of employment for the purpose of travel to the worksite and a period of 14 days following the period of employment for the purpose of departure or extension based on a subsequent offer of employment, except that—

''(A) the alien is not authorized to be employed during such 14-day period except in the employment for which the alien was previously authorized; and

''(B) the total period of employment, including such 14-day period, may not exceed 10 months.

''(2) CONSTRUCTION.—Nothing in this subsection shall limit the authority of the Secretary to extend the stay of the alien under any other provision of this Act.

''(e) ABANDONMENT OF EMPLOYMENT.—

''(1) IN GENERAL.—An alien admitted or provided status under section 101(a)(15)(H)(ii)(a) who abandons the employment which was the basis for such admission or status shall be considered to have failed to maintain nonimmigrant status as an H–2A worker and shall depart the United States or be subject to removal under section 237(a)(1)(C)(i).

''(2) REPORT BY EMPLOYER.—The employer, or association acting as agent for the employer, shall notify the Secretary not later than 7 days after an H–2A worker prematurely abandons employment.

''(3) REMOVAL BY THE SECRETARY.—The Secretary shall promptly remove from the United States any H–2A worker who violates any term or condition of the worker's nonimmigrant status.

''(4) VOLUNTARY TERMINATION.—Notwithstanding paragraph (1), an alien may voluntarily terminate his or her employment if the alien promptly departs the United States upon termination of such employment.

''(f) REPLACEMENT OF ALIEN.—

''(1) IN GENERAL.—Upon presentation of the notice to the Secretary required by subsection (e)(2), the Secretary of State shall promptly issue a visa to, and the Secretary shall admit into the United States, an eligible alien designated by the employer to replace an H–2A worker—

''(A) who abandons or prematurely terminates employment; or

''(B) whose employment is terminated after a United States worker is employed pursuant to section 218(b)(2)(H)(iii), if the United States worker voluntarily departs before the end of the period of intended employment or if the employment termination is for a lawful job-related reason.

''(2) CONSTRUCTION.—Nothing in this subsection is intended to limit any preference required to be accorded United States workers under any other provision of this Act.

''(g) IDENTIFICATION DOCUMENT.—

''(1) IN GENERAL.—Each alien authorized to be admitted under section 101(a)(15)(H)(ii)(a) shall be provided an identification and employment eligibility document to verify eligibility for employment in the United States and verify the alien's identity.

''(2) REQUIREMENTS.—No identification and employment eligibility document may be issued which does not meet the following requirements:

''(A) The document shall be capable of reliably determining whether—

''(i) the individual with the identification and employment eligibility document whose eligibility is being verified is in fact eligible for employment;

''(ii) the individual whose eligibility is being verified is claiming the identity of another person; and

''(iii) the individual whose eligibility is being verified is authorized to be admitted into, and employed in, the United States as an H–2A worker.

''(B) The document shall be in a form that is resistant to counterfeiting and to tampering.

''(C) The document shall—

''(i) be compatible with other databases of the Secretary for the purpose of excluding aliens from benefits for which they are not eligible and determining whether the alien is unlawfully present in the United States; and

''(ii) be compatible with law enforcement databases to determine if the alien has been convicted of criminal offenses.

''(h) EXTENSION OF STAY OF H–2A ALIENS IN THE UNITED STATES.—

''(1) EXTENSION OF STAY.—If an employer seeks approval to employ an H–2A alien who is lawfully present in the United States, the petition filed by the employer or an association pursuant to subsection (a), shall request an extension of the alien's stay and a change in the alien's employment.

''(2) LIMITATION ON FILING A PETITION FOR EXTENSION OF STAY.—A petition may not be filed for an extension of an alien's stay—

''(A) for a period of more than 10 months; or

''(B) to a date that is more than 3 years after the date of the alien's last admission to the United States under this section.

''(3) WORK AUTHORIZATION UPON FILING A PETITION FOR EXTENSION OF STAY.—

''(A) IN GENERAL.—An alien who is lawfully present in the United States may commence the employment described in a petition under paragraph (1) on the date on which the petition is filed.

''(B) DEFINITION.—For purposes of subparagraph (A), the term 'file' means sending the petition by certified mail via the United

States Postal Service, return receipt requested, or delivered by guaranteed commercial delivery which will provide the employer with a documented acknowledgment of the date of receipt of the petition.

''(C) HANDLING OF PETITION.—The employer shall provide a copy of the employer's petition to the alien, who shall keep the petition with the alien's identification and employment eligibility document as evidence that the petition has been filed and that the alien is authorized to work in the United States.

''(D) APPROVAL OF PETITION.—Upon approval of a petition for an extension of stay or change in the alien's authorized employment, the Secretary shall provide a new or updated employment eligibility document to the alien indicating the new validity date, after which the alien is not required to retain a copy of the petition.

''(4) LIMITATION ON EMPLOYMENT AUTHORIZATION OF ALIENS WITHOUT VALID IDENTIFICATION AND EMPLOYMENT ELIGIBILITY DOCUMENT.—An expired identification and employment eligibility document, together with a copy of a petition for extension of stay or change in the alien's authorized employment that complies with the requirements of paragraph (1), shall constitute a valid work authorization document for a period of not more than 60 days beginning on the date on which such petition is filed, after which time only a currently valid identification and employment eligibility document shall be acceptable.

''(5) LIMITATION ON AN INDIVIDUAL'S STAY IN STATUS.—

''(A) MAXIMUM PERIOD.—The maximum continuous period of authorized status as an H–2A worker (including any extensions) is 3 years.

''(B) REQUIREMENT TO REMAIN OUTSIDE THE UNITED STATES.—

''(i) IN GENERAL.—Subject to clause (ii), in the case of an alien outside the United States whose period of authorized status as an H–2A worker (including any extensions) has expired, the alien may not again apply for admission to the United States as an H–2A worker unless the alien has remained outside the United States for a continuous period equal to at least ⅕ the duration of the alien's previous period of authorized status as an H–2A worker (including any extensions).

''(ii) EXCEPTION.—Clause (i) shall not apply in the case of an alien if the alien's period of authorized status as an H–2A worker (including any extensions) was for a period of not more than 10 months and such alien has been outside the United States for at least 2 months during the 12 months preceding the date the alien again is applying for admission to the United States as an H–2A worker.

''(i) SPECIAL RULES FOR ALIENS EMPLOYED AS SHEEPHERDERS, GOAT HERDERS, DAIRY WORKERS, OR HORSE WORKERS.—Notwithstanding any provision of the Emergency Agriculture Relief Act of 2008, an alien admitted under section 101(a)(15)(H)(ii)(a) for employment as a sheepherder, goat herder, dairy worker, or horse worker—

''(1) may be admitted for an initial period of 12 months;

''(2) subject to subsection (j)(5), may have such initial period of admission extended for a period of up to 3 years; and

''(3) shall not be subject to the requirements of subsection (h)(5) (relating to periods of absence from the United States).

''(j) ADJUSTMENT TO LAWFUL PERMANENT RESIDENT STATUS FOR ALIENS EMPLOYED AS SHEEPHERDERS, GOAT HERDERS, DAIRY WORKERS, OR HORSE WORKERS.—

''(1) ELIGIBLE ALIEN.—For purposes of this subsection, the term 'eligible alien' means an alien—

''(A) having nonimmigrant status under section 101(a)(15)(H)(ii)(a) based on employment as a sheepherder, goat herder, dairy worker, or horse worker;

''(B) who has maintained such nonimmigrant status in the United States for a cumulative total of 36 months (excluding any period of absence from the United States); and

''(C) who is seeking to receive an immigrant visa under section 203(b)(3)(A)(iii).

''(2) CLASSIFICATION PETITION.—In the case of an eligible alien, the petition under section 204 for classification under section 203(b)(3)(A)(iii) may be filed by—

''(A) the alien's employer on behalf of the eligible alien; or

''(B) the eligible alien.

''(3) NO LABOR CERTIFICATION REQUIRED.—Notwithstanding section 203(b)(3)(C), no determination under section 212(a)(5)(A) is required with respect to an immigrant visa described in paragraph (1)(C) for an eligible alien.

''(4) EFFECT OF PETITION.—The filing of a petition described in paragraph (2) or an application for adjustment of status based on the approval of such a petition shall not constitute evidence of an alien's ineligibility for nonimmigrant status under section 101(a)(15)(H)(ii)(a).

''(5) EXTENSION OF STAY.—The Secretary shall extend the stay of an eligible alien having a pending or approved classification petition described in paragraph (2) in 1-year increments until a final determination is made on the alien's eligibility for adjustment of status to that of an alien lawfully admitted for permanent residence.

''(6) CONSTRUCTION.—Nothing in this subsection shall be construed to prevent an eligible alien from seeking adjustment of status in accordance with any other provision of law.

''SEC. 218C. WORKER PROTECTIONS AND LABOR STANDARDS ENFORCEMENT.

''(a) ENFORCEMENT AUTHORITY.—

''(1) INVESTIGATION OF COMPLAINTS.—

''(A) AGGRIEVED PERSON OR THIRD-PARTY COMPLAINTS.—The Secretary of Labor shall establish a process for the receipt, investigation, and disposition of complaints respecting a petitioner's failure to meet a condition specified in section 218(b), or an employer's misrepresentation of material facts in an application under section 218(a). Complaints may be filed by any aggrieved person or organization (including bargaining representatives). No investigation or hearing shall be conducted on a complaint concerning such a failure or misrepresentation unless the complaint was filed not later than 12 months after the date of the failure, or misrepresentation, respectively. The Secretary of Labor shall conduct an investigation under this subparagraph if there is reasonable cause to believe that such a failure or misrepresentation has occurred.

''(B) DETERMINATION ON COMPLAINT.—Under such process, the Secretary of Labor shall provide, within 30 days after the date such a complaint is filed, for a determination as to whether or not a reasonable basis exists to make a finding described in subparagraph (C), (D), (E), or (G). If the Secretary of Labor determines that such a reasonable basis exists, the Secretary of Labor shall provide for notice of such determination to the interested parties and an opportunity for a hearing on the complaint, in accordance with section 556 of title 5, United States Code, within 60 days after the date of the determination. If such a hearing is requested, the Secretary of Labor shall make a finding concerning the matter not later than 60 days after the date of the hearing. In the case of similar complaints respecting the same applicant, the Secretary of Labor may consolidate the hearings under this subparagraph on such complaints.

''(C) FAILURES TO MEET CONDITIONS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, a failure to meet a condition of paragraph (1)(A), (1)(B), (1)(D), (1)(F), (2)(A), (2)(B), or (2)(G) of section 218(b), a substantial failure to meet a condition of paragraph (1)(C), (1)(E), (2)(C), (2)(D), (2)(E), or (2)(H) of section 218(b), or a material misrepresentation of fact in an application under section 218(a)—

''(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $1,000 per violation) as the Secretary of Labor determines to be appropriate; and

''(ii) the Secretary may disqualify the employer from the employment of aliens described in section 101(a)(15)(H)(ii)(a) for a period of 1 year.

''(D) WILLFUL FAILURES AND WILLFUL MISREPRESENTATIONS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b), a willful misrepresentation of a material fact in an application under section 218(a), or a violation of subsection (d)(1)—

''(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $5,000 per violation) as the Secretary of Labor determines to be appropriate;

''(ii) the Secretary of Labor may seek appropriate legal or equitable relief to effectuate the purposes of subsection (d)(1); and

''(iii) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 2 years.

''(E) DISPLACEMENT OF UNITED STATES WORKERS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b) or a willful misrepresentation of a material fact in an application under section 218(a), in the course of which failure or misrepresentation the employer displaced a United States worker employed by the employer during the period of employment on the employer's application under section 218(a) or during the period of 30 days preceding such period of employment—

''(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $15,000 per violation) as the Secretary of Labor determines to be appropriate; and

''(ii) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 3 years.

''(F) LIMITATIONS ON CIVIL MONEY PENALTIES.—The Secretary of Labor shall not impose total civil money penalties with respect to an application under section 218(a) in excess of $90,000.

''(G) FAILURES TO PAY WAGES OR REQUIRED BENEFITS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, that the employer has failed to pay the wages, or provide the housing allowance, transportation, subsistence reimbursement, or guarantee of employment, required under section 218A(b), the Secretary of Labor shall assess payment of back wages, or other required benefits, due any United States worker or H–2A worker employed by the employer in the specific employment in question. The back wages or other required benefits under section 218A(b) shall be equal to the difference between the amount that should

have been paid and the amount that actually was paid to such worker.

''(2) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as limiting the authority of the Secretary of Labor to conduct any compliance investigation under any other labor law, including any law affecting migrant and seasonal agricultural workers, or, in the absence of a complaint under this section, under section 218 or 218A.

''(b) RIGHTS ENFORCEABLE BY PRIVATE RIGHT OF ACTION.—H–2A workers may enforce the following rights through the private right of action provided in subsection (c), and no other right of action shall exist under Federal or State law to enforce such rights:

''(1) The providing of housing or a housing allowance as required under section 218A(b)(1).

''(2) The reimbursement of transportation as required under section 218A(b)(2).

''(3) The payment of wages required under section 218A(b)(3) when due.

''(4) The benefits and material terms and conditions of employment expressly provided in the job offer described in section 218(a)(2), not including the assurance to comply with other Federal, State, and local labor laws described in section 218A(c), compliance with which shall be governed by the provisions of such laws.

''(5) The guarantee of employment required under section 218A(b)(4).

''(6) The motor vehicle safety requirements under section 218A(b)(5).

''(7) The prohibition of discrimination under subsection (d)(2).

''(c) PRIVATE RIGHT OF ACTION.—

''(1) MEDIATION.—Upon the filing of a complaint by an H–2A worker aggrieved by a violation of rights enforceable under subsection (b), and within 60 days of the filing of proof of service of the complaint, a party to the action may file a request with the Federal Mediation and Conciliation Service to assist the parties in reaching a satisfactory resolution of all issues involving all parties to the dispute. Upon a filing of such request and giving of notice to the parties, the parties shall attempt mediation within the period specified in subparagraph (B).

''(A) MEDIATION SERVICES.—The Federal Mediation and Conciliation Service shall be available to assist in resolving disputes arising under subsection (b) between H–2A workers and agricultural employers without charge to the parties.

''(B) 90-DAY LIMIT.—The Federal Mediation and Conciliation Service may conduct mediation or other nonbinding dispute resolution activities for a period not to exceed 90 days beginning on the date on which the Federal Mediation and Conciliation Service receives the request for assistance unless the parties agree to an extension of this period of time.

''(C) AUTHORIZATION.—

''(i) IN GENERAL.—Subject to clause (ii), there are authorized to be appropriated to the Federal Mediation and Conciliation Service $500,000 for each fiscal year to carry out this section.

''(ii) MEDIATION.—Notwithstanding any other provision of law, the Director of the Federal Mediation and Conciliation Service is authorized to conduct the mediation or other dispute resolution activities from any other appropriated funds available to the Director and to reimburse such appropriated funds when the funds are appropriated pursuant to this authorization, such reimbursement to be credited to appropriations currently available at the time of receipt.

''(2) MAINTENANCE OF CIVIL ACTION IN DISTRICT COURT BY AGGRIEVED PERSON.—An H–2A worker aggrieved by a violation of rights enforceable under subsection (b) by an agricultural employer or other person may file suit in any district court of the United States having jurisdiction over the parties, without regard to the amount in controversy, without regard to the citizenship of the parties, and without regard to the exhaustion of any alternative administrative remedies under this Act, not later than 3 years after the date the violation occurs.

''(3) ELECTION.—An H–2A worker who has filed an administrative complaint with the Secretary of Labor may not maintain a civil action under paragraph (2) unless a complaint based on the same violation filed with the Secretary of Labor under subsection (a)(1) is withdrawn before the filing of such action, in which case the rights and remedies available under this subsection shall be exclusive.

''(4) PREEMPTION OF STATE CONTRACT RIGHTS.—Nothing in this Act shall be construed to diminish the rights and remedies of an H–2A worker under any other Federal or State law or regulation or under any collective bargaining agreement, except that no court or administrative action shall be available under any State contract law to enforce the rights created by this Act.

''(5) WAIVER OF RIGHTS PROHIBITED.—Agreements by employees purporting to waive or modify their rights under this Act shall be void as contrary to public policy, except that a waiver or modification of the rights or obligations in favor of the Secretary of Labor shall be valid for purposes of the enforcement of this Act. The preceding sentence may not be construed to prohibit agreements to settle private disputes or litigation.

''(6) AWARD OF DAMAGES OR OTHER EQUITABLE RELIEF.—

''(A) If the court finds that the respondent has intentionally violated any of the rights enforceable under subsection (b), it shall award actual damages, if any, or equitable relief.

''(B) Any civil action brought under this section shall be subject to appeal as provided in chapter 83 of title 28, United States Code.

''(7) WORKERS' COMPENSATION BENEFITS; EXCLUSIVE REMEDY.—

''(A) Notwithstanding any other provision of this section, where a State's workers' compensation law is applicable and coverage is provided for an H–2A worker, the workers' compensation benefits shall be the exclusive remedy for the loss of such worker under this section in the case of bodily injury or death in accordance with such State's workers' compensation law.

''(B) The exclusive remedy prescribed in subparagraph (A) precludes the recovery under paragraph (6) of actual damages for loss from an injury or death but does not preclude other equitable relief, except that such relief shall not include back or front pay or in any manner, directly or indirectly, expand or otherwise alter or affect—

''(i) a recovery under a State workers' compensation law; or

''(ii) rights conferred under a State workers' compensation law.

''(8) TOLLING OF STATUTE OF LIMITATIONS.—If it is determined under a State workers' compensation law that the workers' compensation law is not applicable to a claim for bodily injury or death of an H–2A worker, the statute of limitations for bringing an action for actual damages for such injury or death under subsection (c) shall be tolled for the period during which the claim for such injury or death under such State workers' compensation law was pending. The statute of limitations for an action for actual damages or other equitable relief arising out of the same transaction or occurrence as the injury or death of the H–2A worker shall be tolled for the period during which the claim for such injury or death was pending under the State workers' compensation law.

''(9) PRECLUSIVE EFFECT.—Any settlement by an H–2A worker and an H–2A employer or any person reached through the mediation process required under subsection (c)(1) shall preclude any right of action arising out of the same facts between the parties in any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

''(10) SETTLEMENTS.—Any settlement by the Secretary of Labor with an H–2A employer on behalf of an H–2A worker of a complaint filed with the Secretary of Labor under this section or any finding by the Secretary of Labor under subsection (a)(1)(B) shall preclude any right of action arising out of the same facts between the parties under any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

''(d) DISCRIMINATION PROHIBITED.—

''(1) IN GENERAL.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any other manner discriminate against an employee (which term, for purposes of this subsection, includes a former employee and an applicant for employment) because the employee has disclosed information to the employer, or to any other person, that the employee reasonably believes evidences a violation of section 218 or 218A or any rule or regulation pertaining to section 218 or 218A, or because the employee cooperates or seeks to cooperate in an investigation or other proceeding concerning the employer's compliance with the requirements of section 218 or 218A or any rule or regulation pertaining to either of such sections.

''(2) DISCRIMINATION AGAINST H–2A WORKERS.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any manner discriminate against an H–2A employee because such worker has, with just cause, filed a complaint with the Secretary of Labor regarding a denial of the rights enumerated and enforceable under subsection (b) or instituted, or caused to be instituted, a private right of action under subsection (c) regarding the denial of the rights enumerated under subsection (b), or has testified or is about to testify in any court proceeding brought under subsection (c).

''(e) AUTHORIZATION TO SEEK OTHER APPROPRIATE EMPLOYMENT.—The Secretary of Labor and the Secretary shall establish a process under which an H–2A worker who files a complaint regarding a violation of subsection (d) and is otherwise eligible to remain and work in the United States may be allowed to seek other appropriate employment in the United States for a period not to exceed the maximum period of stay authorized for such nonimmigrant classification.

''(f) ROLE OF ASSOCIATIONS.—

''(1) VIOLATION BY A MEMBER OF AN ASSOCIATION.—An employer on whose behalf an application is filed by an association acting as its agent is fully responsible for such application, and for complying with the terms and conditions of sections 218 and 218A, as though the employer had filed the application itself. If such an employer is determined, under this section, to have committed a violation, the penalty for such violation shall apply only to that member of the association unless the Secretary of Labor determines that the association or other member participated in, had knowledge, or reason to know, of the violation, in which case the penalty shall be invoked against the association or other association member as well.

''(2) VIOLATIONS BY AN ASSOCIATION ACTING AS AN EMPLOYER.—If an association filing an application as a sole or joint employer is determined to have committed a violation under this section, the penalty for such violation shall apply only to the association unless the Secretary of Labor determines that an association member or members participated in or had knowledge, or reason to know of the violation, in which case the penalty shall be invoked against the association member or members as well.

''SEC. 218D. DEFINITIONS.

''For purposes of this section and section 218, 218A, 218B, and 218C:

''(1) AGRICULTURAL EMPLOYMENT.—The term 'agricultural employment' means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 or the performance of agricultural labor or services described in section 101(a)(15)(H)(ii)(a).

''(2) BONA FIDE UNION.—The term 'bona fide union' means any organization in which employees participate and which exists for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other terms and conditions of work for agricultural employees. Such term does not include an organization formed, created, administered, supported, dominated, financed, or controlled by an employer or employer association or its agents or representatives.

''(3) DISPLACE.—The term 'displace', in the case of an application with respect to 1 or more H–2A workers by an employer, means laying off a United States worker from a job for which the H–2A worker or workers is or are sought.

''(4) ELIGIBLE.—The term 'eligible', when used with respect to an individual, means an individual who is not an unauthorized alien (as defined in section 274A).

''(5) EMPLOYER.—The term 'employer' means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

''(6) H–2A EMPLOYER.—The term 'H–2A employer' means an employer who seeks to hire 1 or more nonimmigrant aliens described in section 101(a)(15)(H)(ii)(a).

''(7) H–2A WORKER.—The term 'H–2A worker' means a nonimmigrant described in section 101(a)(15)(H)(ii)(a).

''(8) JOB OPPORTUNITY.—The term 'job opportunity' means a job opening for temporary or seasonal full-time employment at a place in the United States to which United States workers can be referred.

''(9) LAYING OFF.—

''(A) IN GENERAL.—The term 'laying off', with respect to a worker—

''(i) means to cause the worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, contract impossibility (as described in section 218A(b)(4)(D)), or temporary suspension of employment due to weather, markets, or other temporary conditions; but

''(ii) does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer (or, in the case of a placement of a worker with another employer under section 218(b)(2)(E), with either employer described in such section) at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

''(B) STATUTORY CONSTRUCTION.—Nothing in this paragraph is intended to limit an employee's rights under a collective bargaining agreement or other employment contract.

''(10) REGULATORY DROUGHT.—The term 'regulatory drought' means a decision subsequent to the filing of the application under section 218 by an entity not under the control of the employer making such filing which restricts the employer's access to water for irrigation purposes and reduces or limits the employer's ability to produce an agricultural commodity, thereby reducing the need for labor.

''(11) SEASONAL.—Labor is performed on a 'seasonal' basis if—

''(A) ordinarily, it pertains to or is of the kind exclusively performed at certain seasons or periods of the year; and

''(B) from its nature, it may not be continuous or carried on throughout the year.

''(12) SECRETARY.—Except as otherwise provided, the term 'Secretary' means the Secretary of Homeland Security.

''(13) TEMPORARY.—A worker is employed on a 'temporary' basis where the employment is intended not to exceed 10 months.

''(14) UNITED STATES WORKER.—The term 'United States worker' means any worker, whether a national of the United States, an alien lawfully admitted for permanent residence, or any other alien, who is authorized to work in the job opportunity within the United States, except an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a).''.

(b) TABLE OF CONTENTS.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by striking the item relating to section 218 and inserting the following:

''Sec. 218. H–2A employer applications.
''Sec. 218A. H–2A worker employment requirements.
''Sec. 218B. Procedure for admission and extension of stay of H–2A workers.
''Sec. 218C. Worker protections and labor standards enforcement.
''Sec. 218D. Definitions.''.

(c) SUNSET.—The amendments made by this section shall be effective during the 5-year period beginning on the date that is 1 year after the date of the enactment of this Act. Any immigration benefit provided pursuant to such amendments shall expire at the end of such 5-year period.

Subtitle C—Miscellaneous Provisions

SEC. 8031. DETERMINATION AND USE OF USER FEES.

(a) SCHEDULE OF FEES.—The Secretary shall establish and periodically adjust a schedule of fees for the employment of aliens pursuant to the amendment made by section 8021(a) and a collection process for such fees from employers. Such fees shall be the only fees chargeable to employers for services provided under such amendment.

(b) DETERMINATION OF SCHEDULE.—

(1) IN GENERAL.—The schedule under subsection (a) shall reflect a fee rate based on the number of job opportunities indicated in the employer's application under section 218 of the Immigration and Nationality Act, as amended by section 8021, and sufficient to provide for the direct costs of providing services related to an employer's authorization to employ aliens pursuant to the amendment made by section 8021(a), to include the certification of eligible employers, the issuance of documentation, and the admission of eligible aliens.

(2) PROCEDURE.—

(A) IN GENERAL.—In establishing and adjusting such a schedule, the Secretary shall comply with Federal cost accounting and fee setting standards.

(B) PUBLICATION AND COMMENT.—The Secretary shall publish in the Federal Register an initial fee schedule and associated collection process and the cost data or estimates upon which such fee schedule is based, and any subsequent amendments thereto, pursuant to which public comment shall be sought and a final rule issued.

(c) USE OF PROCEEDS.—Notwithstanding any other provision of law, all proceeds resulting from the payment of the fees pursuant to the amendment made by section 8021(a) shall be available without further appropriation and shall remain available without fiscal year limitation to reimburse the Secretary, the Secretary of State, and the Secretary of Labor for the costs of carrying out sections 218 and 218B of the Immigration and Nationality Act, as amended and added, respectively, by section 8021, and the provisions of this title.

SEC. 8032. RULEMAKING.

(a) REQUIREMENT FOR THE SECRETARY TO CONSULT.—The Secretary shall consult with the Secretary of Labor and the Secretary of Agriculture during the promulgation of all regulations to implement the duties of the Secretary under this title and the amendments made by this title.

(b) REQUIREMENT FOR THE SECRETARY OF STATE TO CONSULT.—The Secretary of State shall consult with the Secretary, the Secretary of Labor, and the Secretary of Agriculture on all regulations to implement the duties of the Secretary of State under this title and the amendments made by this title.

(c) REQUIREMENT FOR THE SECRETARY OF LABOR TO CONSULT.—The Secretary of Labor shall consult with the Secretary of Agriculture and the Secretary on all regulations to implement the duties of the Secretary of Labor under this title and the amendments made by this title.

(d) DEADLINE FOR ISSUANCE OF REGULATIONS.—All regulations to implement the duties of the Secretary, the Secretary of State, and the Secretary of Labor created under sections 218, 218A, 218B, 218C, and 218D of the Immigration and Nationality Act, as amended or added by section 8021, shall take effect on the effective date of section 8021 and shall be issued not later than 1 year after the date of enactment of this Act.

SEC. 8033. REPORTS TO CONGRESS.

(a) ANNUAL REPORT.—Not later than September 30 of each year, the Secretary shall submit a report to Congress that identifies, for the previous year—

(1) the number of job opportunities approved for employment of aliens admitted under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)), and the number of workers actually admitted, disaggregated by State and by occupation;

(2) the number of such aliens reported to have abandoned employment pursuant to subsection 218B(e)(2) of such Act;

(3) the number of such aliens who departed the United States within the period specified in subsection 218B(d) of such Act;

(4) the number of aliens who applied for adjustment of status pursuant to section 8011(a); and

(5) the number of such aliens whose status was adjusted under section 8011(a).

(b) IMPLEMENTATION REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall prepare and submit to Congress a report that describes the measures being taken and the progress made in implementing this title.

TITLE IX

TELEWORK ENHANCEMENT ACT OF 2008

SECTION 9001. SHORT TITLE.

This Act may be cited as the ''Telework Enhancement Act of 2008''.

SEC. 9002. DEFINITIONS.

In this Act:

(1) EMPLOYEE.—The term ''employee'' has the meaning given that term by section 2105 of title 5, United States Code.

(2) EXECUTIVE AGENCY.—The term ''executive agency'' has the meaning given that term by section 105 of title 5, United States Code.

(3) NONCOMPLIANT.—The term ''noncompliant'' means not conforming to the requirements under this Act.

(4) TELEWORK.—The term ''telework'' means a work arrangement in which an employee regularly performs officially assigned duties at home or other worksites geographically convenient to the residence of the employee during at least 20 percent of each pay period that the employee is performing officially assigned duties.

SEC. 9003. EXECUTIVE AGENCIES TELEWORK REQUIREMENT.

(a) TELEWORK ELIGIBILITY.—Not later than 180 days after the date of enactment of this Act, the head of each executive agency shall—

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

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

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

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

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

(2) require a written agreement between an agency manager and an employee authorized to telework in order for that employee to participate in telework;

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

(4) except in emergency situations as determined by an agency head, not apply to any employee of the agency whose official duties require daily physical presence for activity with equipment or handling of secure materials; and

(5) determine the use of telework as part of the continuity of operations plans the agency in the event of an emergency.

SEC. 9004. TRAINING AND MONITORING.

The head of each executive agency shall ensure that—

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

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

(B) all managers of teleworkers;

(2) no distinction is made between teleworkers and nonteleworkers for the purposes of performance appraisals; and

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

SEC. 9005. POLICY AND SUPPORT.

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

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

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

(2) consult with—

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

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

(c) CONTINUITY OF OPERATIONS PLANS.—During any period that an agency is operating under a continuity of operations plan, that plan shall supersede any telework policy.

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

(1) maintain a central telework website; and

(2) include on that website related—

(A) telework links;

(B) announcements;

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

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

SEC. 9006. TELEWORK MANAGING OFFICER.

(a) IN GENERAL.—

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

(2) TELEWORK COORDINATORS.—

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

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

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

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

(2) serve as—

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

(B) a resource for managers and employees; and

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

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

SEC. 9007. ANNUAL REPORT TO CONGRESS.

(a) SUBMISSION OF REPORTS.—Not later than 18 months after the date of enactment of this Act and on an annual basis thereafter, the Director of the Office of Personnel Management shall—

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

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

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

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

(b) CONTENTS.—Each report submitted under this section shall include—

(1) the telework policy, the measures in place to carry out the policy, and an analysis of employee telework participation during the preceding 12-month period provided by each executive agency;

(2) an assessment of the progress of each agency in maximizing telework opportunities for employees of that agency without diminishing employee performance or agency operations;

(3) the definition of telework and telework policies and any modifications to such definitions;

(4) the degree of participation by employees of each agency in teleworking during the period covered by the evaluation, including—

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

(B) the number and percent of employees who engage in telework;

(C) the number and percent of eligible employees in each agency who have declined the opportunity to telework; and

(D) the number of employees who were not authorized, willing, or able to telework and the reason;

(5) the extent to which barriers to maximize telework opportunities have been identified and eliminated; and

(6) best practices in agency telework programs.

SEC. 9008. COMPLIANCE OF EXECUTIVE AGENCIES.

(a) EXECUTIVE AGENCIES.—An executive agency shall be in compliance with this Act if each employee of that agency participating in telework regularly performs officially assigned duties at home or other worksites geographically convenient to the residence of the employee during at least 20 percent of each pay period that the employee is performing officially assigned duties.

(b) AGENCY MANAGER REPORTS.—Not later than 180 days after the establishment of a policy described under section 9003, and annually thereafter, each agency manager shall submit a report to the Chief Human Capital Officer and Telework Managing Officer of that agency that contains a summary of—

(1) efforts to promote telework opportunities for employees supervised by that manager; and

(2) any obstacles which hinder the ability of that manager to promote telework opportunities.

(c) CHIEF HUMAN CAPITAL OFFICER REPORTS.—

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

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

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

(B) include relevant information from the submitted reports in the annual report to Congress required under section 9007(b)(2); and

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

(d) COMPLIANCE REPORTS.—Not later than 90 days after the date of submission of each report under section 9007, the Office of Management and Budget shall submit a report to Congress that—

(1) identifies and recommends corrective actions and time frames for each executive agency that the Office of Management and Budget determines is noncompliant; and

(2) describes progress of noncompliant executive agencies, justifications of any continuing noncompliance, and any recommendations for corrective actions planned

by the Office of Management and Budget or the executive agency to eliminate noncompliance.

SEC. 9009. EXTENSION OF TRAVEL EXPENSES TEST PROGRAMS.

(a) IN GENERAL.—Section 5710 of title 5, United States Code, is amended—

(1) in subsection (a)(1), by striking ''for a period not to exceed 24 months''; and

(2) in subsection (e), by striking ''7 years'' and inserting ''16 years''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as though enacted as part of the Travel and Transportation Reform Act of 1998 (Public Law 105–264; 112 Stat. 2350).

TITLE X

GENERAL PROVISIONS—THIS ACT

AVAILABILITY OF FUNDS

SEC. 10001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

EMERGENCY DESIGNATION

SEC. 10002. Each amount in each title of this Act is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

AVOIDANCE OF U.S. PAYROLL TAX CONTRIBUTIONS

SEC. 10003. None of the funds in this Act may be used by any Federal agency for a contract with any United States corporation which hires United States employees through foreign offshore subsidiaries for purposes of avoiding United States payroll tax contributions for such employees.

EXTENSION OF EB–5 REGIONAL CENTER PILOT PROGRAM

SEC. 10004. Section 610(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is amended by striking ''for 15 years'' and inserting ''for 20 years''.

INTERIM RELIEF FOR SKILLED IMMIGRANT WORKERS

SEC. 10005. (a) RECAPTURE OF UNUSED EMPLOYMENT-BASED VISA NUMBERS.—Subsection (d) of section 106 of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note) is amended—

(1) in paragraph (1)—

(A) by inserting ''1994, 1996, 1997, 1998,'' after ''available in fiscal year'';

(B) by striking ''or 2004'' and inserting ''2004, or 2006''; and

(C) by striking ''shall be available'' and all that follows through the end and inserting ''shall be available only to—

''(A) an employment-based immigrant under paragraph (1), (2), (3)(A)(i), or (3)(A)(ii) of section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)), except for employment-based immigrants whose petitions are or have been approved based on Schedule A, Group I as defined in section 656.5 of title 20, Code of Federal Regulations; or

''(B) a spouse or child accompanying or following to join such an employment-based immigrant under section 203(d) of such Act (8 U.S.C. 1153(d)).'';

(2) in paragraph (2)—

(A) in subparagraph (A), by striking ''years 1999 through 2004'' and inserting ''year 1994 and each subsequent fiscal year''; and

(B) in subparagraph (B)—

(i) in clause (i), by striking ''(i)''; and

(ii) by striking clause (ii); and

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

''(4) EMPLOYMENT-BASED VISA RECAPTURE FEE.—A fee shall be paid in connection with any petition seeking an employment-based immigrant visa number recaptured under paragraph (1), known as the Employment-Based Visa Recapture Fee, in the amount of $1500. Such Fee may not be charged for a dependent accompanying or following to join such employment-based immigrant.''.

(b) DISPOSITION OF FEES.—

(1) IMMIGRATION EXAMINATION FEE ACCOUNT.—The fees described in paragraph (2) shall be treated as adjudication fees and deposited as offsetting receipts into the Immigration Examinations Fee Account in the Treasury of the United States under section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)).

(2) FEES DESCRIBED.—The fees described in this paragraph are the following:

(A) Any Employment-Based Visa Recapture Fee collected pursuant to paragraph (4) of section 106(d) of the American Competitiveness in the Twenty-first Century Act of 2000, as added by subsection (a)(3).

(B) Any Supplemental Adjustment of Status Application Fee collected pursuant to paragraph (3) of subsection (n) of section 245 of the Immigration and Nationality Act, as added by subsection (c)(1).

(c) RETAINING GREEN CARD APPLICANTS WORKING IN THE UNITED STATES.—

(1) IN GENERAL.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended by adding at the end the following:

''(n) ADJUSTMENT OF STATUS FOR EMPLOYMENT-BASED IMMIGRANTS.—

''(1) ELIGIBILITY.—The Secretary of Homeland Security shall provide for the filing of an adjustment application by an alien (and any eligible dependents of such alien) who has an approved or pending petition under subparagraph (E) or (F) of section 204(a)(1), regardless of whether an immigrant visa is immediately available at the time the application is filed.

''(2) VISA AVAILABILITY.—An application filed pursuant to paragraph (1) shall not be approved until an immigrant visa becomes available.

''(3) FEES.—If an application is filed pursuant to paragraph (1) at a time at which a visa is not immediately available, a fee, known as the Supplemental Adjustment of Status Application Fee, in the amount of $1500 shall be paid on behalf of the beneficiary of such petition. Such Fee may not be charged for a dependent accompanying or following to join such beneficiary.''.

(2) REPORT.—Not later than 4 years after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to Congress a report on the implementation of subsection (n) of section 245 of the Immigration and Nationality Act (8 U.S.C. 1255), as added by paragraph (1).

(3) REPEAL.—Unless a law is enacted that repeals this paragraph, the amendments made by paragraph (1) shall be repealed on the date that is 5 years after the date of the enactment of this Act.

SEC. 10006. NURSING SHORTAGE RELIEF. (a) INCREASING VISA NUMBERS.—Section 106 of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note) is amended by adding at the end the following:

''(e) VISA SHORTAGE RELIEF FOR NURSES AND PHYSICAL THERAPISTS.—

''(1) IN GENERAL.—Subject to paragraph (2), for petitions filed during the period beginning on the date of the enactment of the Emergency Nursing Supply Relief Act and ending on September 30, 2011, for employment-based immigrants (and their family members accompanying or following to join under section 203(d) of the Immigration and Nationality Act (8 U.S.C. 1153(d)), which are or have been approved based on Schedule A, Group I as defined in section 656.5 of title 20, Code of Federal Regulations, as promulgated by the Secretary of Labor, the numerical limitations set forth in sections 201(d) and 202(a) of such Act (8 U.S.C. 1151(d) and 1152(a)) shall not apply.

''(2) LIMITATION ON NUMBER OF VISAS.—The Secretary of State may not issue more than 20,000 immigrant visa numbers in any one fiscal year (plus any available visa numbers under this paragraph not used during the preceding fiscal year) to principal beneficiaries of petitions pursuant to paragraph (1).

''(3) EXPEDITED REVIEW.—The Secretary of Homeland Security shall provide a process for reviewing and acting upon petitions with respect to immigrants described in paragraph (1) not later than 30 days after the date on which a completed petition has been filed.

''(f) FEE FOR USE OF VISAS UNDER SUBSECTION (a).—

''(1) IN GENERAL.—The Secretary of Homeland Security shall impose a fee upon each petitioning employer who uses a visa provided under subsection (e) to provide employment for an alien as a professional nurse, except that—

''(A) such fee shall be in the amount of $1,500 for each such alien nurse (but not for dependents accompanying or following to join who are not professional nurses); and

''(B) no fee shall be imposed for the use of such visas if the employer demonstrates to the Secretary that—

''(i) the employer is a health care facility that is located in a county or parish that received individual and public assistance pursuant to Major Disaster Declaration number 1603 or 1607; or

''(ii) the employer is a health care facility that has been designated as a Health Professional Shortage Area facility by the Secretary of Health and Human Services as defined in section 332 of the Public Health Service Act (42 U.S.C. 254e).

''(2) FEE COLLECTION.—A fee imposed by the Secretary of Homeland Security pursuant to paragraph (1) shall be collected by the Secretary as a condition of approval of an application for adjustment of status by the beneficiary of a petition or by the Secretary of State as a condition of issuance of a visa to such beneficiary.''.

(b) CAPITATION GRANTS TO INCREASE THE NUMBER OF NURSING FACULTY AND STUDENTS; DOMESTIC NURSING ENHANCEMENT ACCOUNT.—Part D of title VIII of the Public Health Service Act (42 U.S.C. 296p et seq.) is amended by adding at the end the following:

''SEC. 832. CAPITATION GRANTS.

''(a) IN GENERAL.—For the purpose described in subsection (b), the Secretary, acting through the Health Resources and Services Administration, shall award a grant each fiscal year in an amount determined in accordance with subsection (c) to each eligible school of nursing that submits an application in accordance with this section.

''(b) PURPOSE.—A funding agreement for a grant under this section is that the eligible school of nursing involved will expend the grant to increase the number of nursing faculty and students at the school, including by hiring new faculty, retaining current faculty, purchasing educational equipment and audiovisual laboratories, enhancing clinical laboratories, repairing and expanding infrastructure, or recruiting students.

''(c) GRANT COMPUTATION.—

''(1) AMOUNT PER STUDENT.—Subject to paragraph (2), the amount of a grant to an eligible school of nursing under this section for a fiscal year shall be the total of the following:

''(A) $1,800 for each full-time or part-time student who is enrolled at the school in a graduate program in nursing that—

''(i) leads to a master's degree, a doctoral degree, or an equivalent degree; and

''(ii) prepares individuals to serve as faculty through additional course work in education and ensuring competency in an advanced practice area.

''(B) $1,405 for each full-time or part-time student who—

''(i) is enrolled at the school in a program in nursing leading to a bachelor of science degree, a bachelor of nursing degree, a graduate degree in nursing if such program does not meet the requirements of subparagraph (A), or an equivalent degree; and

''(ii) has not more than 3 years of academic credits remaining in the program.

''(C) $966 for each full-time or part-time student who is enrolled at the school in a program in nursing leading to an associate degree in nursing or an equivalent degree.

''(2) LIMITATION.—In calculating the amount of a grant to a school under paragraph (1), the Secretary may not make a payment with respect to a particular student—

''(A) for more than 2 fiscal years in the case of a student described in paragraph (1)(A) who is enrolled in a graduate program in nursing leading to a master's degree or an equivalent degree;

''(B) for more than 4 fiscal years in the case of a student described in paragraph (1)(A) who is enrolled in a graduate program in nursing leading to a doctoral degree or an equivalent degree;

''(C) for more than 3 fiscal years in the case of a student described in paragraph (1)(B); or

''(D) for more than 2 fiscal years in the case of a student described in paragraph (1)(C).

''(d) ELIGIBILITY.—In this section, the term 'eligible school of nursing' means a school of nursing that—

''(1) is accredited by a nursing accrediting agency recognized by the Secretary of Education;

''(2) has a passage rate on the National Council Licensure Examination for Registered Nurses of not less than 80 percent for each of the 3 academic years preceding submission of the grant application; and

''(3) has a graduation rate (based on the number of students in a class who graduate relative to, for a baccalaureate program, the number of students who were enrolled in the class at the beginning of junior year or, for an associate degree program, the number of students who were enrolled in the class at the end of the first year) of not less than 80 percent for each of the 3 academic years preceding submission of the grant application.

''(e) REQUIREMENTS.—The Secretary may award a grant under this section to an eligible school of nursing only if the school gives assurances satisfactory to the Secretary that, for each academic year for which the grant is awarded, the school will comply with the following:

''(1) The school will maintain a passage rate on the National Council Licensure Examination for Registered Nurses of not less than 80 percent.

''(2) The school will maintain a graduation rate (as described in subsection (d)(3)) of not less than 80 percent.

''(3)(A) Subject to subparagraphs (B) and (C), the first-year enrollment of full-time nursing students in the school will exceed such enrollment for the preceding academic year by 5 percent or 5 students, whichever is greater.

''(B) Subparagraph (A) shall not apply to the first academic year for which a school receives a grant under this section.

''(C) With respect to any academic year, the Secretary may waive application of subparagraph (A) if—

''(i) the physical facilities at the school involved limit the school from enrolling additional students; or

''(ii) the school has increased enrollment in the school (as described in subparagraph (A)) for each of the 2 preceding academic years.

''(4) Not later than 1 year after receiving a grant under this section, the school will formulate and implement a plan to accomplish at least 2 of the following:

''(A) Establishing or significantly expanding an accelerated baccalaureate degree nursing program designed to graduate new nurses in 12 to 18 months.

''(B) Establishing cooperative intradisciplinary education among schools of nursing with a view toward shared use of technological resources, including information technology.

''(C) Establishing cooperative interdisciplinary training between schools of nursing and schools of allied health, medicine, dentistry, osteopathy, optometry, podiatry, pharmacy, public health, or veterinary medicine, including training for the use of the interdisciplinary team approach to the delivery of health services.

''(D) Integrating core competencies on evidence-based practice, quality improvements, and patient-centered care.

''(E) Increasing admissions, enrollment, and retention of qualified individuals who are financially disadvantaged.

''(F) Increasing enrollment of minority and diverse student populations.

''(G) Increasing enrollment of new graduate baccalaureate nursing students in graduate programs that educate nurse faculty members.

''(H) Developing post-baccalaureate residency programs to prepare nurses for practice in specialty areas where nursing shortages are most severe.

''(I) Increasing integration of geriatric content into the core curriculum.

''(J) Partnering with economically disadvantaged communities to provide nursing education.

''(K) Expanding the ability of nurse managed health centers to provide clinical education training sites to nursing students.

''(5) The school will submit an annual report to the Secretary that includes updated information on the school with respect to student enrollment, student retention, graduation rates, passage rates on the National Council Licensure Examination for Registered Nurses, the number of graduates employed as nursing faculty or nursing care providers within 12 months of graduation, and the number of students who are accepted into graduate programs for further nursing education.

''(6) The school will allow the Secretary to make on-site inspections, and will comply with the Secretary's requests for information, to determine the extent to which the school is complying with the requirements of this section.

''(f) REPORTS TO CONGRESS.—The Secretary shall evaluate the results of grants under this section and submit to Congress—

''(1) not later than 18 months after the date of the enactment of this section, an interim report on such results; and

''(2) not later than September 30, 2010, a final report on such results.

''(g) APPLICATION.—An eligible school of nursing seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

''(h) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts in the Domestic Nursing Enhancement Account, established under section 833, there are authorized to be appropriated such sums as may be necessary to carry out this section.

''SEC. 833. DOMESTIC NURSING ENHANCEMENT ACCOUNT.

''(a) ESTABLISHMENT.—There is established in the general fund of the Treasury a separate account which shall be known as the 'Domestic Nursing Enhancement Account.' Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under section 106(f) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note). Nothing in this subsection shall prohibit the depositing of other moneys into the account established under this section.

''(b) USE OF FUNDS.—Amounts collected under section 106(f) of the American Competitiveness in the Twenty-first Century Act of 2000, and deposited into the account established under subsection (a) shall be used by the Secretary of Health and Human Services to carry out section 832. Such amounts shall be available for obligation only to the extent, and in the amount, provided in advance in appropriations Acts. Such amounts are authorized to remain available until expended.''.

(c) GLOBAL HEALTH CARE COOPERATION.—

(1) IN GENERAL.—Title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.) is amended by inserting after section 317 the following:

''SEC. 317A. TEMPORARY ABSENCE OF ALIENS PROVIDING HEALTH CARE IN DEVELOPING COUNTRIES.

''(a) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary of Homeland Security shall allow an eligible alien and the spouse or child of such alien to reside in a candidate country during the period that the eligible alien is working as a physician or other health care worker in a candidate country. During such period the eligible alien and such spouse or child shall be considered—

''(1) to be physically present and residing in the United States for purposes of naturalization under section 316(a); and

''(2) to meet the continuous residency requirements under section 316(b).

''(b) DEFINITIONS.—In this section:

''(1) CANDIDATE COUNTRY.—The term 'candidate country' means a country that the Secretary of State determines to be—

''(A) eligible for assistance from the International Development Association, in which the per capita income of the country is equal to or less than the historical ceiling of the International Development Association for the applicable fiscal year, as defined by the International Bank for Reconstruction and Development;

''(B) classified as a lower middle income country in the then most recent edition of the World Development Report for Reconstruction and Development published by the International Bank for Reconstruction and Development and having an income greater than the historical ceiling for International Development Association eligibility for the applicable fiscal year; or

''(C) qualified to be a candidate country due to special circumstances, including natural disasters or public health emergencies.

''(2) ELIGIBLE ALIEN.—The term 'eligible alien' means an alien who—

''(A) has been lawfully admitted to the United States for permanent residence; and

''(B) is a physician or other healthcare worker.

''(c) CONSULTATION.—The Secretary of Homeland Security shall consult with the Secretary of State in carrying out this section.

''(d) PUBLICATION.—The Secretary of State shall publish—

''(1) not later than 180 days after the date of the enactment of this section, a list of candidate countries;

''(2) an updated version of the list required by paragraph (1) not less often than once each year; and

''(3) an amendment to the list required by paragraph (1) at the time any country qualifies as a candidate country due to special circumstances under subsection (b)(1)(C).''.

(2) RULEMAKING.—

(A) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall promulgate regulations to carry out the amendments made by this subsection.

(B) CONTENT.—The regulations promulgated pursuant to paragraph (1) shall—

(i) permit an eligible alien (as defined in section 317A of the Immigration and Nationality Act, as added by paragraph (1)) and the spouse or child of the eligible alien to reside in a foreign country to work as a physician or other healthcare worker as described in subsection (a) of such section 317A for not less than a 12-month period and not more than a 24-month period, and shall permit the Secretary to extend such period for an additional period not to exceed 12 months, if the Secretary determines that such country has a continuing need for such a physician or other healthcare worker;

(ii) provide for the issuance of documents by the Secretary to such eligible alien, and such spouse or child, if appropriate, to demonstrate that such eligible alien, and such spouse or child, if appropriate, is authorized to reside in such country under such section 317A; and

(iii) provide for an expedited process through which the Secretary shall review applications for such an eligible alien to reside in a foreign country pursuant to subsection (a) of such section 317A if the Secretary of State determines a country is a candidate country pursuant to subsection (b)(1)(C) of such section 317A.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) DEFINITION.—Section 101(a)(13)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(13)(C)(ii)) is amended by adding at the end the following: ''except in the case of an eligible alien, or the spouse or child of such alien, who is authorized to be absent from the United States under section 317A,''.

(B) DOCUMENTARY REQUIREMENTS.—Section 211(b) of such Act (8 U.S.C. 1181(b)) is amended by inserting '', including an eligible alien authorized to reside in a foreign country under section 317A and the spouse or child of such eligible alien, if appropriate,'' after ''1101(a)(27)(A),''.

(C) INELIGIBLE ALIENS.—Section 212(a)(7)(A)(i)(I) of such Act (8 U.S.C. 1182(a)(7)(A)(i)(I)) is amended by inserting ''other than an eligible alien authorized to reside in a foreign country under section 317A and the spouse or child of such eligible alien, if appropriate,'' after ''Act,''.

(D) CLERICAL AMENDMENT.—The table of contents of such Act is amended by inserting after the item relating to section 317 the following:

''Sec. 317A. Temporary absence of aliens providing health care in developing countries.''.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to U.S. Citizenship and Immigration Services such sums as may be necessary to carry out this subsection and the amendments made by this subsection.

(d) ATTESTATION BY HEALTH CARE WORKERS.—

(1) ATTESTATION REQUIREMENT.—Section 212(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)) is amended by adding at the end the following:

''(E) HEALTH CARE WORKERS WITH OTHER OBLIGATIONS.—

''(i) IN GENERAL.—An alien who seeks to enter the United States for the purpose of performing labor as a physician or other health care worker is inadmissible unless the alien submits to the Secretary of Homeland Security or the Secretary of State, as appropriate, an attestation that the alien is not seeking to enter the United States for such purpose during any period in which the alien has an outstanding obligation to the government of the alien's country of origin or the alien's country of residence.

''(ii) OBLIGATION DEFINED.—In this subparagraph, the term 'obligation' means an obligation incurred as part of a valid, voluntary individual agreement in which the alien received financial assistance to defray the costs of education or training to qualify as a physician or other health care worker in consideration for a commitment to work as a physician or other health care worker in the alien's country of origin or the alien's country of residence.

''(iii) WAIVER.—The Secretary of Homeland Security may waive a finding of inadmissibility under clause (i) if the Secretary determines that—

''(I) the obligation was incurred by coercion or other improper means;

''(II) the alien and the government of the country to which the alien has an outstanding obligation have reached a valid, voluntary agreement, pursuant to which the alien's obligation has been deemed satisfied, or the alien has shown to the satisfaction of the Secretary that the alien has been unable to reach such an agreement because of coercion or other improper means; or

''(III) the obligation should not be enforced due to other extraordinary circumstances, including undue hardship that would be suffered by the alien in the absence of a waiver.''.

(2) EFFECTIVE DATE; APPLICATION.—

(A) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date that is 180 days after the date of the enactment of this Act.

(B) APPLICATION BY THE SECRETARY.—Not later than the effective date described in subparagraph (A), the Secretary of Homeland Security shall begin to carry out subparagraph (E) of section 212(a)(5) of the Immigration and Nationality Act, as added by paragraph (1), including the requirement for the attestation and the granting of a waiver described in clause (iii) of such subparagraph (E), regardless of whether regulations to implement such subparagraph have been promulgated.

SEC. 10007. NURSE TRAINING AND RETENTION DEMONSTRATION GRANTS. (a) FINDINGS.—Congress makes the following findings:

(1) America's healthcare system depends on an adequate supply of trained nurses to deliver quality patient care.

(2) Over the next 15 years, this shortage is expected to grow significantly. The Health Resources and Services Administration has projected that by 2020, there will be a shortage of nurses in every State and that overall only 64 percent of the demand for nurses will be satisfied, with a shortage of 1,016,900 nurses nationally.

(3) To avert such a shortage, today's network of healthcare workers should have access to education and support from their employers to participate in educational and training opportunities.

(4) With the appropriate education and support, incumbent healthcare workers and incumbent bedside nurses are untapped sources which can meet these needs and address the nursing shortage and provide quality care as the American population ages.

(b) PURPOSES OF GRANT PROGRAM.—It is the purpose of this section to authorize grants to—

(1) address the projected shortage of nurses by funding comprehensive programs to create a career ladder to nursing (including Certified Nurse Assistants, Licensed Practical Nurses, Licensed Vocational Nurses, and Registered Nurses) for incumbent ancillary healthcare workers;

(2) increase the capacity for educating nurses by increasing both nurse faculty and clinical opportunities through collaborative programs between staff nurse organizations, healthcare providers, and accredited schools of nursing; and

(3) provide training programs through education and training organizations jointly administered by healthcare providers and healthcare labor organizations or other organizations representing staff nurses and frontline healthcare workers, working in collaboration with accredited schools of nursing and academic institutions.

(c) GRANTS.—Not later than 6 months after the date of enactment of this Act, the Secretary of Labor (referred to in this section as the ''Secretary'') shall establish a partnership grant program to award grants to eligible entities to carry out comprehensive programs to provide education to nurses and create a pipeline to nursing for incumbent ancillary healthcare workers who wish to advance their careers, and to otherwise carry out the purposes of this section.

(d) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section an entity shall—

(1) be—

(A) a healthcare entity that is jointly administered by a healthcare employer and a labor union representing the healthcare employees of the employer and that carries out activities using labor management training funds as provided for under section 302 of the Labor-Management Relations Act, 1947 (18 U.S.C. 186(c)(6));

(B) an entity that operates a training program that is jointly administered by—

(i) one or more healthcare providers or facilities, or a trade association of healthcare providers; and

(ii) one or more organizations which represent the interests of direct care healthcare workers or staff nurses and in which the direct care healthcare workers or staff nurses have direct input as to the leadership of the organization; or

(C) a State training partnership program that consists of non-profit organizations that include equal participation from industry, including public or private employers, and labor organizations including joint labor-management training programs, and which may include representatives from local governments, worker investment agency one-stop career centers, community based organizations, community colleges, and accredited schools of nursing; and

(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(e) ADDITIONAL REQUIREMENTS FOR HEALTHCARE EMPLOYER DESCRIBED IN SUBSECTION (d).—To be eligible for a grant under this section, a healthcare employer described in subsection (d) shall demonstrate—

(1) an established program within their facility to encourage the retention of existing nurses;

(2) it provides wages and benefits to its nurses that are competitive for its market or that have been collectively bargained with a labor organization; and

(3) support for programs funded under this section through 1 or more of the following:

(A) The provision of paid leave time and continued health coverage to incumbent healthcare workers to allow their participation in nursing career ladder programs, including Certified Nurse Assistants, Licensed Practical Nurses, Licensed Vocational Nurses, and Registered Nurses.

(B) Contributions to a joint labor-management or other jointly administered training fund which administers the program involved.

(C) The provision of paid release time, incentive compensation, or continued health coverage to staff nurses who desire to work full- or part-time in a faculty position.

(D) The provision of paid release time for staff nurses to enable them to obtain a bachelor of science in nursing degree, other advanced nursing degrees, specialty training, or certification program.

(E) The payment of tuition assistance to incumbent healthcare workers.

(f) OTHER REQUIREMENTS.—

(1) MATCHING REQUIREMENT.—

(A) IN GENERAL.—The Secretary may not make a grant under this section unless the applicant involved agrees, with respect to the costs to be incurred by the applicant in carrying out the program under the grant, to make available non-Federal contributions (in cash or in kind under subparagraph (B)) toward such costs in an amount equal to not less than $1 for each $1 of Federal funds provided in the grant. Such contributions may be made directly or through donations from public or private entities, or may be provided through the cash equivalent of paid release time provided to incumbent worker students.

(B) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.—Non-Federal contributions required in subparagraph (A) may be in cash or in kind (including paid release time), fairly evaluated, including equipment or services (and excluding indirect or overhead costs).

(C) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall supplement, and not supplant, resources dedicated by an entity, or other Federal, State, or local funds available to carry out activities described in this section.

(2) REQUIRED COLLABORATION.—Entities carrying out or overseeing programs carried out with assistance provided under this section shall demonstrate collaboration with accredited schools of nursing which may include community colleges and other academic institutions providing associate, bachelor's, or advanced nursing degree programs or specialty training or certification programs.

(g) ACTIVITIES.—Amounts awarded to an entity under a grant under this section shall be used for the following:

(1) To carry out programs that provide education and training to establish nursing career ladders to educate incumbent healthcare workers to become nurses (including Certified Nurse Assistants, Licensed Practical Nurses, Licensed Vocational Nurses, and Registered Nurses). Such programs shall include one or more of the following:

(A) Preparing incumbent workers to return to the classroom through English as a second language education, GED education, precollege counseling, college preparation classes, and support with entry level college classes that are a prerequisite to nursing.

(B) Providing tuition assistance with preference for dedicated cohort classes in community colleges, universities, accredited schools of nursing with supportive services including tutoring and counseling.

(C) Providing assistance in preparing for and meeting all nursing licensure tests and requirements.

(D) Carrying out orientation and mentorship programs that assist newly graduated nurses in adjusting to working at the bedside to ensure their retention post graduation, and ongoing programs to support nurse retention.

(E) Providing stipends for release time and continued healthcare coverage to enable incumbent healthcare workers to participate in these programs.

(2) To carry out programs that assist nurses in obtaining advanced degrees and completing specialty training or certification programs and to establish incentives for nurses to assume nurse faculty positions on a part-time or full-time basis. Such programs shall include one or more of the following:

(A) Increasing the pool of nurses with advanced degrees who are interested in teaching by funding programs that enable incumbent nurses to return to school.

(B) Establishing incentives for advanced degree bedside nurses who wish to teach in nursing programs so they can obtain a leave from their bedside position to assume a full- or part-time position as adjunct or full time faculty without the loss of salary or benefits.

(C) Collaboration with accredited schools of nursing which may include community colleges and other academic institutions providing associate, bachelor's, or advanced nursing degree programs, or specialty training or certification programs, for nurses to carry out innovative nursing programs which meet the needs of bedside nursing and healthcare providers.

(h) PREFERENCE.—In awarding grants under this section the Secretary shall give preference to programs that—

(1) provide for improving nurse retention;

(2) provide for improving the diversity of the new nurse graduates to reflect changes in the demographics of the patient population;

(3) provide for improving the quality of nursing education to improve patient care and safety;

(4) have demonstrated success in upgrading incumbent healthcare workers to become nurses or which have established effective programs or pilots to increase nurse faculty; or

(5) are modeled after or affiliated with such programs described in paragraph (4).

(i) EVALUATION.—

(1) PROGRAM EVALUATIONS.—An entity that receives a grant under this section shall annually evaluate, and submit to the Secretary a report on, the activities carried out under the grant and the outcomes of such activities. Such outcomes may include—

(A) an increased number of incumbent workers entering an accredited school of nursing and in the pipeline for nursing programs;

(B) an increasing number of graduating nurses and improved nurse graduation and licensure rates;

(C) improved nurse retention;

(D) an increase in the number of staff nurses at the healthcare facility involved;

(E) an increase in the number of nurses with advanced degrees in nursing;

(F) an increase in the number of nurse faculty;

(G) improved measures of patient quality as determined by the Secretary; and

(H) an increase in the diversity of new nurse graduates relative to the patient population.

(2) GENERAL REPORT.—Not later than September 30, 2011, the Secretary of Labor shall, using data and information from the reports received under paragraph (1), submit to Congress a report concerning the overall effectiveness of the grant program carried out under this section.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section for fiscal years 2010, 2011, and 2012, such sums as may be necessary. Funds appropriated under this subsection shall remain available until expended without fiscal year limitation.

EXPLANATORY STATEMENT

SEC. 10008. The explanatory statement printed in the Senate section of the Congressional Record on May 19, 2008, submitted by the Chairman of the Committee on Appropriations of the Senate regarding the amendments of the Senate to the House amendments to the Senate amendment to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, submitted by the Chairman of the Committee on Appropriations of the Senate, shall have the same effect with respect to the allocation of funds and implementation of titles I through XIII of this Act as if it were a report to the Senate on a bill reported by the Committee on Appropriations.

This act shall become effective 1 day after enactment.

SHORT TITLE

SEC. 10009. This Act may be cited as the ''Supplemental Appropriations Act, 2008''.

TEXT OF AMENDMENTS

SA 4805. Mr. CORKER submitted an amendment intended to be proposed by him to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SENSE OF SENATE ON PROVISION OF TACTICAL AND UTILITY HELICOPTERS TO SUPPORT THE UNITED NATIONS–AFRICAN UNION PEACEKEEPING MISSION IN DARFUR

SEC. ____. It is the sense of the Senate that all efforts should be made to expedite any lease, transfer, or acquisition of tactical and utility helicopters to support the United Nations-African Union peacekeeping mission in Darfur, Sudan, as provided in section 1411 of this Act.

SA 4806. Mr. CORKER (for himself, Mr. BINGAMAN, Mr. HARKIN, Mr. MENENDEZ, Mr. MARTINEZ, Mr. NELSON of Florida, and Mr. DODD) submitted an amendment intended to be proposed by him to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. It is the sense of the Senate that, of the funds made available by this Act to carry out title II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1721 et seq.), for the 180-day period beginning on the date of enactment of this Act, $60,000,000 should be made available to respond to the emergency food assistance needs of Haiti.

SA 4807. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—DOMESTIC FUELS SECURITY

SECTION ___01. SHORT TITLE.

This title may be cited as the ''Gas Petroleum Refiner Improvement and Community Empowerment Act'' or ''Gas PRICE Act''.

SEC. ___02. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) COAL-TO-LIQUID.—The term ''coal-to-liquid'' means—

(A) with respect to a process or technology, the use of a feedstock, the majority of which is derived from the coal resources of the United States, using the class of reactions known as Fischer-Tropsch, to produce synthetic fuel suitable for transportation; and

(B) with respect to a facility, the portion of a facility related to producing the inputs for the Fischer-Tropsch process, or the finished fuel from the Fischer-Tropsch process, using a feedstock that is primarily domestic coal at the Fischer-Tropsch facility.

(3) DOMESTIC FUELS FACILITY.—

(A) IN GENERAL.—The term ''domestic fuels facility'' means—

(i) a coal liquification or coal-to-liquid facility at which coal is processed into synthetic crude oil or any other transportation fuel;

(ii) a facility that produces a renewable fuel (as defined in section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1))); and

(iii) a facility at which crude oil is refined into transportation fuel or other petroleum products.

(B) INCLUSION.—The term ''domestic fuels facility'' includes a domestic fuels facility expansion.

(4) DOMESTIC FUELS FACILITY EXPANSION.—The term ''domestic fuels facility expansion'' means a physical change in a domestic fuels facility that results in an increase in the capacity of the domestic fuels facility.

(5) DOMESTIC FUELS FACILITY PERMITTING AGREEMENT.—The term ''domestic fuels facility permitting agreement'' means an agreement entered into between the Administrator and a State or Indian tribe under subsection (b).

(6) DOMESTIC FUELS PRODUCER.—The term ''domestic fuels producer'' means an individual or entity that—

(A) owns or operates a domestic fuels facility; or

(B) seeks to become an owner or operator of a domestic fuels facility.

(7) INDIAN LAND.—The term ''Indian land'' has the meaning given the term ''Indian lands'' in section 3 of the Native American Business Development, Trade Promotion, and Tourism Act of 2000 (25 U.S.C. 4302).

(8) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(9) PERMIT.—The term ''permit'' means any permit, license, approval, variance, or other form of authorization that a refiner is required to obtain—

(A) under any Federal law; or

(B) from a State or Indian tribal government agency delegated with authority by the Federal Government, or authorized under Federal law to issue permits.

(10) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(11) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

Subtitle A—Collaborative Permitting Process for Domestic Fuels Facilities

SEC. ___11. COLLABORATIVE PERMITTING PROCESS FOR DOMESTIC FUELS FACILITIES.

(a) IN GENERAL.—At the request of the Governor of a State or the governing body of an Indian tribe, the Administrator shall enter into a domestic fuels facility permitting agreement with the State or Indian tribe under which the process for obtaining all permits necessary for the construction and operation of a domestic fuels facility shall be improved using a systematic interdisciplinary multimedia approach as provided in this section.

(b) AUTHORITY OF ADMINISTRATOR.—Under a domestic fuels facility permitting agreement—

(1) the Administrator shall have authority, as applicable and necessary, to—

(A) accept from a refiner a consolidated application for all permits that the domestic fuels producer is required to obtain to construct and operate a domestic fuels facility;

(B) establish a schedule under which each Federal, State, or Indian tribal government agency that is required to make any determination to authorize the issuance of a permit shall—

(i) concurrently consider, to the maximum extent practicable, each determination to be made; and

(ii) complete each step in the permitting process; and

(C) issue a consolidated permit that combines all permits that the domestic fuels producer is required to obtain; and

(2) the Administrator shall provide to State and Indian tribal government agencies—

(A) financial assistance in such amounts as the agencies reasonably require to hire such additional personnel as are necessary to enable the government agencies to comply with the applicable schedule established under paragraph (1)(B); and

(B) technical, legal, and other assistance in complying with the domestic fuels facility permitting agreement.

(c) AGREEMENT BY THE STATE.—Under a domestic fuels facility permitting agreement, a State or governing body of an Indian tribe shall agree that—

(1) the Administrator shall have each of the authorities described in subsection (b); and

(2) each State or Indian tribal government agency shall—

(A) make such structural and operational changes in the agencies as are necessary to enable the agencies to carry out consolidated project-wide permit reviews concurrently and in coordination with the Environmental Protection Agency and other Federal agencies; and

(B) comply, to the maximum extent practicable, with the applicable schedule established under subsection (b)(1)(B).

(d) INTERDISCIPLINARY APPROACH.—

(1) IN GENERAL.—The Administrator and a State or governing body of an Indian tribe shall incorporate an interdisciplinary approach, to the maximum extent practicable, in the development, review, and approval of domestic fuels facility permits subject to this section.

(2) OPTIONS.—Among other options, the interdisciplinary approach may include use of—

(A) environmental management practices; and

(B) third party contractors.

(e) DEADLINES.—

(1) NEW DOMESTIC FUELS FACILITIES.—In the case of a consolidated permit for the construction of a new domestic fuels facility, the Administrator and the State or governing body of an Indian tribe shall approve or disapprove the consolidated permit not later than—

(A) 360 days after the date of the receipt of the administratively complete application for the consolidated permit; or

(B) on agreement of the applicant, the Administrator, and the State or governing body of the Indian tribe, 90 days after the expiration of the deadline established under subparagraph (A).

(2) EXPANSION OF EXISTING DOMESTIC FUELS FACILITIES.—In the case of a consolidated permit for the expansion of an existing domestic fuels facility, the Administrator and the State or governing body of an Indian tribe shall approve or disapprove the consolidated permit not later than—

(A) 120 days after the date of the receipt of the administratively complete application for the consolidated permit; or

(B) on agreement of the applicant, the Administrator, and the State or governing body of the Indian tribe, 30 days after the expiration of the deadline established under subparagraph (A).

(f) FEDERAL AGENCIES.—Each Federal agency that is required to make any determination to authorize the issuance of a permit shall comply with the applicable schedule established under subsection (b)(1)(B).

(g) JUDICIAL REVIEW.—Any civil action for review of any determination of any Federal, State, or Indian tribal government agency in a permitting process conducted under a domestic fuels facility permitting agreement brought by any individual or entity shall be brought exclusively in the United States district court for the district in which the domestic fuels facility is located or proposed to be located.

(h) EFFICIENT PERMIT REVIEW.—In order to reduce the duplication of procedures, the Administrator shall use State permitting and monitoring procedures to satisfy substantially equivalent Federal requirements under this section.

(i) SEVERABILITY.—If 1 or more permits that are required for the construction or operation of a domestic fuels facility are not approved on or before any deadline established under subsection (e), the Administrator may issue a consolidated permit that combines all other permits that the domestic fuels producer is required to obtain other than any permits that are not approved.

(j) SAVINGS.—Nothing in this section affects the operation or implementation of otherwise applicable law regarding permits necessary for the construction and operation of a domestic fuels facility.

(k) CONSULTATION WITH LOCAL GOVERNMENTS.—Congress encourages the Administrator, States, and tribal governments to consult, to the maximum extent practicable, with local governments in carrying out this section.

(l) EFFECT ON LOCAL AUTHORITY.—Nothing in this section affects—

(1) the authority of a local government with respect to the issuance of permits; or

(2) any requirement or ordinance of a local government (such as zoning regulations).

Subtitle B—Environmental Analysis of Fischer-Tropsch Fuels

SEC. ___21. EVALUATION OF FISCHER-TROPSCH DIESEL AND JET FUEL AS AN EMISSION CONTROL STRATEGY.

(a) IN GENERAL.—In cooperation with the Secretary of Energy, the Secretary of Defense, the Administrator of the Federal Aviation Administration, Secretary of Health and Human Services, and Fischer-Tropsch industry representatives, the Administrator shall—

(1) conduct a research and demonstration program to evaluate the air quality benefits of ultra-clean Fischer-Tropsch transportation fuel, including diesel and jet fuel;

(2) evaluate the use of ultra-clean Fischer-Tropsch transportation fuel as a mechanism for reducing engine exhaust emissions; and

(3) submit recommendations to Congress on the most effective use and associated benefits of these ultra-clean fuels for reducing public exposure to exhaust emissions.

(b) GUIDANCE AND TECHNICAL SUPPORT.—The Administrator shall, to the extent necessary, issue any guidance or technical support documents that would facilitate the effective use and associated benefit of Fischer-Tropsch fuel and blends.

(c) REQUIREMENTS.—The program described in subsection (a) shall consider—

(1) the use of neat (100 percent) Fischer-Tropsch fuel and blends with conventional crude oil-derived fuel for heavy-duty and light-duty diesel engines and the aviation sector; and

(2) the production costs associated with domestic production of those ultra clean fuel and prices for consumers.

(d) REPORTS.—The Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives—

(1) not later than 180 days after the date of enactment of this Act, an interim report on actions taken to carry out this section; and

(2) not later than 1 year after the date of enactment of this Act, a final report on actions taken to carry out this section.

Subtitle C—Domestic Coal-to-Liquid Fuel and Cellulosic Biomass Ethanol

SEC. ___31. ECONOMIC DEVELOPMENT ASSISTANCE TO SUPPORT COMMERCIAL-SCALE CELLULOSIC BIOMASS ETHANOL PROJECTS AND COAL-TO-LIQUIDS FACILITIES ON BRAC PROPERTY AND INDIAN LAND.

(a) PRIORITY.—Notwithstanding section 206 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3146), in awarding funds made available to carry out section 209(c)(1) of that Act (42 U.S.C. 3149(c)(1)) pursuant to section 702 of that Act (42 U.S.C. 3232), the Secretary and the Economic Development Administration shall give priority to projects to support commercial-scale cellulosic biomass ethanol projects and coal-to-liquids facilities.

(b) FEDERAL SHARE.—Except as provided in subsection (c)(3)(B) and notwithstanding the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.), the Federal share of a project to support a commercial-scale biomass ethanol facility or coal-to-liquid facility shall be—

(1) 80 percent of the project cost; or

(2) for a project carried out on Indian land, 100 percent of the project cost.

(c) ADDITIONAL AWARD.—

(1) IN GENERAL.—The Secretary shall make an additional award in connection with a grant made to a recipient (including any Indian tribe for use on Indian land) for a project to support a commercial-scale biomass ethanol facility or coal-to-liquid facility.

(2) AMOUNT.—The amount of an additional award shall be 10 percent of the amount of the grant for the project.

(3) USE.—An additional award under this subsection shall be used—

(A) to carry out any eligible purpose under the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.);

(B) notwithstanding section 204 of that Act (42 U.S.C. 3144), to pay up to 100 percent of the cost of an eligible project or activity under that Act; or

(C) to meet the non-Federal share requirements of that Act or any other Act.

(4) NON-FEDERAL SOURCE.—For the purpose of paragraph (3)(C), an additional award shall be treated as funds from a non-Federal source.

(5) FUNDING.—The Secretary shall use to carry out this subsection any amounts made available—

(A) for economic development assistance programs; or

(B) under section 702 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3232).

Subtitle D—Alternative Hydrocarbon and Renewable Reserves Disclosures Classification System

SEC. ___41. ALTERNATIVE HYDROCARBON AND RENEWABLE RESERVES DISCLOSURES CLASSIFICATION SYSTEM.

(a) IN GENERAL.—The Securities and Exchange Commission shall appoint a task force composed of government and private sector representatives, including experts in the field of dedicated energy crop feedstocks for cellulosic biofuels production, to analyze, and submit to Congress a report (including recommendations) on—

(1) modernization of the hydrocarbon reserves disclosures classification system of the Commission to reflect advances in reserves recovery from nontraditional sources (such as deep water, oil shale, tar sands, and renewable reserves for cellulosic biofuels feedstocks); and

(2) the creation of a renewable reserves classification system for cellulosic biofuels feedstocks.

(b) DEADLINE FOR REPORT.—The Commission shall submit the report required under subsection (a) not later than 180 days after the date of enactment of this Act.

Subtitle E—Authorization of Appropriations

SEC. ___51. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title and the amendments made by this title.

SA 4808. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ASSISTANCE TO SMALL CRITICAL ACCESS HOSPITALS TRANSITIONING TO SKILLED NURSING FACILITIES.

Section 1820(g) of the Social Security Act (42 U.S.C. 1395i–4(g)) is amended by adding at the end the following new paragraph:

''(6) CRITICAL ACCESS HOSPITALS TRANSITIONING TO SKILLED NURSING FACILITIES.—

''(A) GRANTS.—The Secretary may award grants to eligible critical access hospitals that have submitted applications in accordance with subparagraph (B) for assisting such hospitals in the transition to skilled nursing facilities.

''(B) APPLICATION.—An applicable critical access hospital seeking a grant under this paragraph shall submit an application to the Secretary on or before such date and in such form and manner as the Secretary specifies.

''(C) ADDITIONAL REQUIREMENTS.—The Secretary may not award a grant under this paragraph to an eligible critical access hospital unless—

''(i) local organizations or the State in which the hospital is located provides matching funds; and

''(ii) the hospital provides assurances that it will surrender critical access hospital status under this title within 180 days of receiving the grant.

''(D) AMOUNT OF GRANT.—A grant to an eligible critical access hospital under this paragraph may not exceed $1,000,000.

''(E) FUNDING.—There are appropriated from the Federal Hospital Insurance Trust Fund under section 1817 for making grants under this paragraph, $5,000,000 for fiscal year 2008.

''(F) ELIGIBLE CRITICAL ACCESS HOSPITAL DEFINED.—For purposes of this paragraph, the term 'eligible critical access hospital' means a critical access hospital that has an average daily acute census of less than 0.5 and an average daily swing bed census of greater than 10.0.''.

SA 4809. Mr. FEINGOLD (for himself, Mr. LEAHY, Mr. WHITEHOUSE, Mr. DURBIN, Mr. SANDERS, Mr. LAUTENBERG, Mrs. BOXER, Mr. HARKIN, Mr. MENENDEZ, and Mr. REID) submitted an amendment intended to be proposed by him to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SAFE REDEPLOYMENT OF THE UNITED STATES ARMED FORCES FROM IRAQ

SEC. ____. (a) TRANSITION OF MISSION.—The President shall promptly transition the mission of the United States Armed Forces in Iraq to the limited and temporary purposes set forth in subsection (d).

(b) COMMENCEMENT OF SAFE, PHASED REDEPLOYMENT FROM IRAQ.—The President shall commence the safe, phased redeployment of members of the United States Armed Forces from Iraq who are not essential to the limited and temporary purposes set forth in subsection (d). Such redeployment shall begin not later than 90 days after the date of the enactment of this Act, and shall be carried out in a manner that protects the safety and security of United States troops.

(c) USE OF FUNDS.—No funds appropriated or otherwise made available under this Act or any other provision of law may be obligated or expended to continue the deployment in Iraq of members of the United States Armed Forces after the date that is nine months after the date of the enactment of this Act.

(d) EXCEPTION FOR LIMITED AND TEMPORARY PURPOSES.—The prohibition in subsection (c) shall not apply to the obligation or expenditure of funds for the following limited and temporary purposes:

(1) To conduct targeted operations, limited in duration and scope, against members of al Qaeda and affiliated international terrorist organizations.

(2) To provide security for United States Government personnel and infrastructure.

(3) To provide training to members of the Iraqi Security Forces who have not been involved in sectarian violence or in attacks

upon the United States Armed Forces, provided that such training does not involve members of the United States Armed Forces taking part in combat operations or being embedded with Iraqi forces.

(4) To provide training, equipment, or other materiel to members of the United States Armed Forces to ensure, maintain, or improve their safety and security.

(e) USE OF FUNDS FOR REDEPLOYMENT AND FOR HEALTH CARE AND HOUSING FOR MEMBERS OF THE ARMED FORCES AND VETERANS.—Amounts that would, but for the limitation in subsection (c), be available for obligation or expenditure for the continuing deployment in Iraq of members of the United States Armed Forces shall be obligated and expended instead solely as follows:

(1) By the Secretary of Defense, for the redeployment of members of the United States Armed Forces as described in subsection (b).

(2) By the Secretary of Defense—

(A) for programs and activities to maintain, enhance, and improve military housing for members of the Armed Forces; and

(B) for programs and activities to improve and enhance the medical and dental care available to members of the Armed Forces.

(3) By the Secretary of Veterans Affairs for programs and activities to improve the hospital care, medical care, and other health care benefits and services available to veterans.

SA 4810. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Notwithstanding any other provision of law, the $2,695,000 appropriated for the Charlotte Rapid Transit Extension–Northeast Corridor Light Rail Project, NC under the Alternatives Analysis Account in division K of the Consolidated Appropriations Act, 2008 (Public Law 110–161) shall be used for the Charlotte Rapid Transit Extension–Northeast Corridor to carry out new fixed guideway capital projects or for extensions to existing fixed guideway capital projects described in section 5309 of title 49, United States Code.

SA 4811. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

PREFERENCE ON COORDINATION WITH INDIGENOUS IRAQI NON-GOVERNMENTAL ORGANIZATIONS IN PROJECTS ASSISTING INTERNALLY DISPLACED IRAQIS

SEC. ____. Notwithstanding any other provision of law, the Secretary of State and the Secretary of Defense shall ensure in the allocation of all funds appropriated or otherwise made available by this Act or any other Act for projects assisting internally displaced Iraqis, including projects for humanitarian assistance, training, capacity building, or construction and repair of infrastructure directly affecting the return or resettlement of displaced Iraqis, preference shall be given to projects coordinated with indigenous Iraqi non-governmental organizations.

SA 4812. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

PROVISION OF PROJECT-BASED HOUSING FOR AFFORDABLE HOUSING UNITS DAMAGED OR DESTROYED BY HURRICANES KATRINA OR RITA

Pursuant to section 215 of title II of division K of Public Law 110-161 (121 Stat. 2433), the Secretary of Housing and Urban Development shall, not later than October 1, 2008, promptly review and approve (A) any feasible proposal made by the owner of a covered assisted multifamily housing project submitted to the Secretary that provides for the rehabilitation of such project and the resumption of use of the project-based assistance under the contract for such project or (B) the transfer, subject to the conditions established under section 215(b) of title II of division K of Public Law 110-161, of the contract for such covered assisted multifamily housing project, or in the case of a covered assisted multifamily housing project with an interest reduction payments contract, of the remaining budget authority under the contract, to a receiving project or projects: *Provided*, the term ''covered assisted multifamily housing project'' means housing that meets 1 of the conditions established in section 215(c)(2) of title II of division K of Public Law 110-161 and was damaged or destroyed by Hurricanes Katrina or Rita of 2005 and is located in an area in the State of Louisiana, Alabama and Mississippi that was the subject of a disaster declaration by the President under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in response to Hurricane Katrina or Hurricane Rita of 2005: *Provided further*, That the term ''project-based assistance'' has the same meaning as in section 215(c)(3) of title II of division K of Public Law 110-161: *Provided further*, That the term ''receiving project or projects'' has the same meaning as in section 215(c)(4) of title II of division K of Public Law 110-161.

SA 4813. Mr. CASEY (for himself, Ms. SNOWE, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows;

At the appropriate place, insert the following:

SEC. ____. (a) The Secretary of Agriculture shall use $5,000,000 of the funds made available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to provide funding described in subsection (b) to eligible recipient agencies to offset the costs of the agencies for intrastate transportation, storage, and distribution of commodities made available under section 202(a) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7502(a)).

(b) The Secretary shall provide funding described in subsection (a) to an eligible recipient agency at a rate equal to the lower of $0.05 per pound or $0.05 per dollar value of commodities made available under section 202(a) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7502(a)) that are made available under that Act to, and accepted by, the eligible recipient agency.

SA 4814. Mr. BROWNBACK (for himself, Mr. ENSIGN, and Mr. ROBERTS) submitted an amendment intended to be proposed to amendment SA 4803 proposed by Mr. REID to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 31 of the amendment, strike line 17 and all that follows through line 12 on page 35, and insert the following:

SEC. 1404. WAIVER OF CERTAIN SANCTIONS TO FACILITATE DENUCLEARIZATION ACTIVITIES IN NORTH KOREA.

(a) WAIVER AUTHORITY AND EXCEPTIONS.—

(1) WAIVER AUTHORITY.—Except as provided in paragraph (2), the President may waive, in whole or in part, the application of any sanction contained in subparagraph (A), (B), (D), or (G) of section 102(b)(2) of the Arms Export Control Act (22 U.S.C. 2799aa–1(b)(2)) with respect to North Korea in order to provide material, direct, and necessary assistance for disablement, dismantlement, verification, and physical removal activities in the implementation of the commitment of North Korea, undertaken in the Joint Statement of September 19, 2005, to abandon all nuclear weapons and existing nuclear programs as part of the verifiable denuclearization of the Korean Peninsula.

(2) EXCEPTIONS.—The waiver authority under paragraph (1) may not be exercised with respect to the following:

(A) Any export of lethal defense articles that would be prevented by the application of section 102(b)(2)(B) of the Arms Export Control Act.

(B) Any sanction relating to credit or credit guarantees contained in section 102(b)(2)(D) of the Arms Export Control Act.

(b) CERTIFICATION REGARDING WAIVER OF CERTAIN SANCTIONS.—Assistance described in subparagraph (B) or (G) of section 102(b)(2) of the Arms Export Control Act (22 U.S.C. 2799aa–1(b)(2)) may be provided with respect to North Korea by reason of the exercise of the waiver authority under subsection (a) only if the President first determines and certifies to the appropriate congressional committees that—

(1) all necessary steps will be taken to ensure that the assistance will not be used to improve the military capabilities of the armed forces of North Korea; and

(2) the exercise of the waiver authority is in the national security interests of the United States.

(c) CONGRESSIONAL NOTIFICATION AND REPORT.—

(1) NOTIFICATION.—The President shall notify the appropriate congressional committees in writing not later than 15 days before exercising the waiver authority under subsection (a).

(2) REPORT.—Not later than 60 days after the date of the enactment of this Act, and annually thereafter for such time during which the exercise of the waiver authority under subsection (a) remains in effect, the President shall transmit to the appropriate congressional committees a report that—

(A) describes in detail the progress that is being made in the implementation of the commitment of North Korea described in subsection (a);

(B) describes in detail any failures, shortcomings, or obstruction by North Korea with respect to the implementation of the commitment of North Korea described in subsection (a);

(C) describes in detail the progress or lack thereof in the preceding 12-month period of all other programs promoting the elimination of North Korea's capability to develop, deploy, transfer, or maintain weapons of mass destruction or their delivery systems; and

(D) beginning with the second report required by this subsection, a justification for the continuation of the waiver exercised under subsection (a) and, if applicable, subsection (b), for the fiscal year in which the report is submitted.

(d) TERMINATION OF WAIVER AUTHORITY.—Any waiver in effect by reason of the exercise of the waiver authority under subsection (a) shall terminate if the President determines that North Korea—

(1)(A) on or after September 19, 2005, transferred to a non-nuclear-weapon state, or received, a nuclear explosive device; or

(B) on or after October 10, 2006, detonated a nuclear explosive device; or

(2) on or after September 19, 2005—

(A) transferred to a non-nuclear-weapon state any design information or component which is determined by the President to be important to, and known by North Korea to be intended by the recipient state for use in, the development or manufacture of any nuclear explosive device, or

(B) sought and received any design information or component which is determined by the President to be important to, and intended by North Korea for use in, the development or manufacture of any nuclear explosive device,

unless the President determines and certifies to the appropriate congressional committees that such waiver is vital to the national security interests of the United States.

(e) EXPIRATION OF WAIVER AUTHORITY.—Any waiver in effect by reason of the exercise of the waiver authority under subsection (a) shall terminate on the date that is 4 years after the date of the enactment of this Act. The waiver authority under subsection (a) may not be exercised beginning on the date that is 3 years after the date of the enactment of this Act.

(f) CONTINUATION OF RESTRICTIONS AGAINST THE GOVERNMENT OF NORTH KOREA.—

(1) IN GENERAL.—Except as provided in subsection (a)(1), restrictions against the Government of North Korea that were imposed by reason of a determination of the Secretary of State that North Korea is a state sponsor of terrorism shall remain in effect, and shall not be lifted pursuant to the provisions of law under which the determination was made, unless the President certifies to the appropriate congressional committees that—

(A) the Government of North Korea is no longer engaged in the transfer of technology related to the acquisition or development of nuclear weapons, particularly to the Governments of Iran, Syria, or any other country that is a state sponsor of terrorism;

(B) in accordance with the Six-Party Talks Agreement of February 13, 2007, the Government of North Korea has ''provided a complete and correct declaration of all its nuclear programs,'' and there are measures to effectively verify this declaration by the United States which, ''[a]t the request of the other Parties,'' is leading ''disablement activities'' and ''provid[ing] the funding for those activities''; and

(C) the Government of North Korea has agreed to the participation of the International Atomic Energy Agency in the monitoring and verification of the shutdown and sealing of the Yongbyon nuclear facility.

(2) STATE SPONSOR OF TERRORISM DEFINED.—In this subsection, the term ''state sponsor of terrorism'' means a country the government of which the Secretary of State has determined, for purposes of section 6(j) of the Export Administration Act of 1979 (as continued in effect pursuant to the International Emergency Economic Powers Act), section 40 of the Arms Export Control Act, section 620A of the Foreign Assistance Act of 1961, or any other provision of law, is a government that has repeatedly provided support for acts of international terrorism.

(g) REPORT ON VERIFICATION MEASURES RELATING TO NORTH KOREA'S NUCLEAR PROGRAMS.—

(1) IN GENERAL.—Not later than 15 days after the date of enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on verification measures relating to North Korea's nuclear programs under the Six-Party Talks Agreement of February 13, 2007, with specific focus on how such verification measures are defined under the Six-Party Talks Agreement and understood by the United States Government.

(2) MATTERS TO BE INCLUDED.—The report required under paragraph (1) shall include, among other elements, a detailed description of—

(A) the methods to be utilized to confirm that North Korea has ''provided a complete and correct declaration of all of its nuclear programs'';

(B) the specific actions to be taken in North Korea and elsewhere to ensure a high and ongoing level of confidence that North Korea has fully met the terms of the Six-Party Talks Agreement relating to its nuclear programs;

(C) any formal or informal agreement with North Korea regarding verification measures relating to North Korea's nuclear programs under the Six-Party Talks Agreement; and

(D) any disagreement expressed by North Korea regarding verification measures relating to North Korea's nuclear programs under the Six-Party Talks Agreement.

(3) FORM.—The report required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(h) DEFINITIONS.—In this section—

(1) the term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate;

(2) the terms ''non-nuclear-weapon state'', ''design information'', and ''component'' have the meanings given such terms in section 102 of the Arms Export Control Act (22 U.S.C. 2799aa–1); and

(3) the term ''Six-Party Talks Agreement of February 13, 2007'' or ''Six-Party Talks Agreement'' means the action plan released on February 13, 2007, of the Third Session of the Fifth Round of the Six-Party Talks held in Beijing among the People's Republic of China, the Democratic People's Republic of Korea (North Korea), Japan, the Republic of Korea (South Korea), the Russian Federation, and the United States relating to the denuclearization of the Korean Peninsula, normalization of relations between North Korea and the United States, normalization of relations between North Korea and Japan, economy and energy cooperation, and matters relating to the Northeast Asia Peace and Security Mechanism.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, May 21, 2008 in room 406 of the Dirksen Senate Office Building at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 21, 2008, at 9:15 a.m., to hold a hearing on defense trade cooperation treaties with the United Kingdom and Australia.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, May 21, 2008.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled ''Exploring the Skyrocketing Price of Oil'' on Wednesday, May 21, 2008, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, May 21, 2008, at 2 p.m., to hear testimony on pending nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, May 21, 2008, at 2:45 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Wednesday, May 21, 2008, to conduct a hearing. The Committee will meet in room 418 of the Russell Senate Office building, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON RURAL REVITALIZATION, CONSERVATION, FORESTRY AND CREDIT

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry, Subcommittee on Rural Revitalization, Conservation, Forestry and Credit, be authorized to meet during the session of the Senate on Wednesday, May 21, 2008 at 2:30 p.m. in room 332 of the Russell Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. TESTER. Mr. President, on behalf of Senator DODD, I ask unanimous consent that LCDR Christopher Martin, a congressional fellow in Senator DODD's office, be allowed floor privileges for the duration of the debate on H.R. 2642.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that Alissa Doobay of my staff be granted floor privileges for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, I ask unanimous consent that a fellow in my office, LCDR John Croghan, be granted the privilege of the floor for the remainder of the debate on the supplemental bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

THANKING THE PRESIDING OFFICER AND STAFF

Mr. REID. Mr. President, first of all, let me express my appreciation to you for your patience and, of course, all the staff. We have been trying to get where we are. It has been a long night. Hopefully, this is pointing us in the right direction.

UNANIMOUS-CONSENT AGREEMENT—HOUSE MESSAGE ON H.R. 2642

Mr. REID. Mr. President, I ask unanimous consent that following any leader time on Thursday, May 22, the Senate then resume consideration of the House message on H.R. 2642, and there be 2 hours of debate equally divided and controlled between the leaders or their designees; that upon the use or yielding back of time, the cloture motion with respect to the Reid motion to concur in House amendment No. 2 with an amendment be withdrawn, and the Reid second-degree amendment be withdrawn; that the Senate then proceed to vote on adoption of the motion to concur in House amendment No. 2 with an amendment; that the motion to concur be subject to an affirmative 60-vote threshold, that if the motion achieves that threshold, it be agreed to, and the motion to reconsider be laid upon the table; that if the motion to concur fails to achieve 60 votes, it be withdrawn, and Senator REID be recognized to move to concur in House amendment No. 2 with an amendment which is the Webb GI bill; that the motion be subject to an affirmative 60-vote threshold; and that if it achieves that threshold, the motion to concur be agreed to, and the motion to reconsider be laid upon the table: that if it fails to achieve 60 affirmative votes, it be withdrawn, and the Senate disagree to House amendment No. 2; that upon disposition of House amendment No. 2, Senator REID be recognized to move to concur in House amendment No. 1 with an amendment which is the text of the committee-reported amendments Nos. 2 and 3 on funding and Iraq policy; that Senator SANDERS then be recognized to make a rule XVI point of order against section 11312 of the Reid motion; that if the point of order is sustained, Senator REID be recognized to move to concur in House amendment No. 1 with an amendment which is the text of committee amendments Nos. 2 and 3 minus section 11312; that it be subject to a 60 affirmative vote threshold, and that if it achieves that threshold, it be agreed to, and the motion to reconsider be laid upon the table; that if it fails to achieve the 60-vote threshold, it be withdrawn, and Senator REID be recognized to move to concur in House amendment No. 1 with an amendment which is the text of the committee amendment No. 2 minus section 11312; that the motion be subject to an affirmative 60-vote threshold; and that if the motion achieves that threshold, it be agreed to, and the motion to reconsider be laid upon the table; if it fails to achieve that threshold, then it be withdrawn, and the Senate disagree to House amendment No. 1; that no further points of order be in order, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Thank you, Mr. President, very much.

ORDER OF BUSINESS

Mr. REID. I would now note for everyone within the sound of my voice, we are still having some problems with the farm bill because of the enrolling not having been done, as we understand it, in the House. They failed to enroll one section of the 15 sections. But we are going to deal with that tomorrow in some detail. And because of that, we will have to hold up doing the budget until we try to work something out tomorrow or at some later time.

SUPPORTING HUMANITARIAN ASSISTANCE IN SOMALIA

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from consideration of S. Res. 541 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 541) supporting humanitarian assistance, protection of civilians, accountability for abuses in Somalia, and urging concrete progress in line with the Transitional Federal Charter of Somalia toward the establishment of a viable government of national unity.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. 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 intervening action or debate, and that any statements related to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 541) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 541

Whereas, despite the formation of the internationally recognized Transitional Federal Government (TFG) in 2004, there has been little improvement in the governance or stability of southern and central Somalia, and stability in the northern region of Puntland has deteriorated;

Whereas governance failures in Somalia have permitted and contributed to escalating violence, egregious human rights abuses, and violations of international humanitarian law, which occur with impunity and have led to an independent system of roadblocks, checkpoints, and extortion that hinders trade, business, and the delivery of desperately needed humanitarian assistance;

Whereas the Government of Ethiopia intervened in Somalia in December 2006 against the Islamic Courts Union (ICU) and continues to serve as the primary security force for the TFG in Somalia;

Whereas a United Nations Monitoring Group on Somalia report presented to the United Nations Security Council on July 20, 2007, alleged that Eritreans have provided arms to insurgents in Somalia as part of a long-standing dispute between Ethiopia and Eritrea that includes a series of interlocking proxy wars in the Horn of Africa;

Whereas the United Nations estimates that, as of April 2008, 2,000,000 people in Somalia need humanitarian assistance or livelihood support for at least the next 6 months, including 745,000 people who have fled ongoing insecurity and sporadic violence in Mogadishu over the past 16 months, adding to more than 275,000 long-term internally displaced Somalis;

Whereas, despite Prime Minister Nur Hassan Hussein's public commitment to humanitarian operations, local and international aid agencies remain hindered by extortion, harassment, and administrative obstructions;

Whereas, in March 2008, United Nations Secretary-General Ban Ki-moon presented his report on Somalia based on recent strategic assessments and fact-finding missions, which offered recommendations for increasing United Nations engagement while decreasing the presence of foreign troops, including the establishment of a maritime task force to deter piracy and support the 1992 international arms embargo;

Whereas the United States Government has allocated nearly $50,000,000 to support the African Union Mission in Somalia (AMISOM) and continues to be the leading contributor of humanitarian assistance in Somalia, with approximately $140,000,000 provided in fiscal year 2007 and fiscal year 2008 to date, but still lacks a comprehensive strategy to build a sustainable peace;

Whereas, over the last 5 years, the Senate has repeatedly called upon the President through resolutions, amendments, bills, oversight letters, and hearings to develop and implement a comprehensive strategy to contribute to lasting peace and security throughout the Horn of Africa by helping to establish a legitimate, stable central government in Somalia capable of maintaining the rule of law and preventing Somalia from becoming a safe haven for terrorists;

Whereas a February 2008 Government Accountability Office (GAO) report entitled, ''Somalia: Several Challenges Limit U.S. and International Stabilization, Humanitarian, and Development Efforts'', found that United States and international ''efforts have been limited by lack of security, access to vulnerable populations, and effective government institutions'' as well as the fact that the ''U.S. strategy for Somalia, outlined in the Administration's 2007 report to Congress on its Comprehensive Regional Strategy on Somalia, is incomplete'';

Whereas the recent designation by the Department of State of Somali's al Shabaab militia as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) and as a specially designated global terrorist under section 1(b) of Executive Order 13224 (September 23, 2001) highlights the growing need for a strategic, multifaceted, and coordinated approach to Somalia; and

Whereas it is in the interest of the United States, the people of Somalia, and the citizens and governments of neighboring and other interested countries to work towards a legitimate peace and a sustainable resolution to the crisis in Somalia that includes civilian protection and access to services, upholds the rule of law, and promotes accountability: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States remains committed to the people of Somalia and to helping build the institutions necessary for a stable nation free from civil war and violent extremism;

(2) the President, in partnership with the African Union, the United Nations, and the international community, should—

(A) provide sufficient humanitarian assistance to those most seriously affected by armed conflict, drought, and flooding throughout Somalia, and call on the Transitional Federal Government to actively facilitate the dispersal of such assistance;

(B) ensure accountability for all state, non-state, and external parties responsible for violations of human rights and international humanitarian law in Somalia, including through the deployment of United Nations human rights monitors and the establishment of a United Nations Commission of Inquiry to investigate abuses;

(C) call on all parties to recommit to an inclusive dialogue, with international support, in the interest of promoting sustainable peace and security in Somalia and across the Horn of Africa;

(D) urge the Government of Ethiopia, in coordination with the United Nations Political Office in Somalia, to develop a clear timeline for the responsible withdrawal of its armed forces from Somalia, to honor its obligation under the Geneva Conventions to ensure protection of civilians under its control, and to observe the distinction between civilians and military combatants and their assets;

(E) urge the Government of Eritrea to play a productive role in helping to bring about stability to Somalia, including ceasing to provide any financial and material support, such as arms and ammunition, to insurgent groups in and around Mogadishu and throughout the region; and

(F) call on all countries in the region and wider international community to provide increased support for AMISOM and ensure a robust civilian protection mandate;

(3) to achieve sustainable peace in the region, the Transitional Federal Government, including the newly appointed Prime Minister and his Cabinet, should—

(A) take necessary steps to protect civilians from dangers related to military operations, investigate and prosecute human rights abuses, provide basic services to all the people of Somalia, and ensure that humanitarian organizations have full access to vulnerable populations;

(B) recommit to the Transitional Federal Charter;

(C) set a detailed timeline and demonstrate observable progress for completing the political transition laid out in the Transitional Federal Charter by 2009, including concrete and immediate steps toward scheduling elections as a means of establishing a democratically elected government that represents the people of Somalia; and

(D) agree to participate in an inclusive and transparent political process, with international support, towards the formation of a government of national unity based on the principles of democracy, accountability, and the rule of law.

RECOGNIZING CUBA SOLIDARITY DAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 573.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 573) recognizing Cuba Solidarity Day and the struggle of the Cuban people as they continue to fight for freedom.

There being no objection, the Senate proceeded to consider the resolution.

CUBA SOLIDARITY DAY

Mr. MENENDEZ. Mr. President, I and my colleagues wish to commemorate Cuba Solidarity Day and the struggle of the Cuban people against a constant denial of their basic liberties. Yesterday, we marked the day in 1902 when Cuba won its independence from Spain. Yesterday, we celebrated the birth of their nation; today, we express our hope that the island will experience a new birth of freedom. Today, we express our solidarity with Cuba's political prisoners, democracy advocates, and human rights activists who risk their lives so that freedom might live.

About 6 months ago I spoke on the Senate floor with my colleague, Senator MARTINEZ, to express outrage that 70 Cuban dissidents were arrested, detained, and harassed. These 70 Cubans, according to the Cuban regime, had committed the crime of peaceful assembly.

These young people were simply walking down a street in Havana. And while they were peacefully walking, they had on their arms this wristband. The simple white wristband says one word; ''cambio''.

Unfortunately, as we have seen for decades from this regime, this denial of a basic liberty was not an isolated incident.

This regime has been marked by fear and repression for decades. For decades, they have denied freedom of press, freedom of speech and freedom to peacefully assemble.

They have refused to hold free and fair elections which represent the will of the Cuban people.

They have denied the most basic human rights to its citizens.

But decades of fear and repression have also led to acts of courage.

And I stand here today in solidarity with all of the brave Cubans who have shown such acts of courage.

Currently, according to Amnesty International, Human Rights Watch and Reporters Without Borders, the Cuban regime is holding more than 220 political prisoners.

These heroes continue to sacrifice and fight so that one day the Cuban people will finally know freedom.

We in the Senate recently introduced a resolution to award a Congressional Gold Medal to Dr. Oscar Elias Biscet, in recognition of his courageous and unwavering commitment to democracy, human rights, and peaceful change in Cuba.

Dr. Biscet's fight serves as an example to all Cubans as well as a source of inspiration for us here.

Dr. Biscet, the hundreds of political prisoners and all Cubans who live with daily political repression have shown that Cuba will change. And this change will come from the Cuban people.

But they need our help. We must continue to fight here to do what we can to empower them. And we must continue to acknowledge them when they empower themselves.

Mr. ENSIGN. Mr. President, I rise in support of this resolution to recognize Cuba Solidarity Day and the struggle of the Cuban people as they continue to fight for freedom. Cuba Solidarity Day is a call for the world to join together in the fight against oppression in Cuba. It is a way of drawing attention to the injustices faced by the people of Cuba under the current regime and a way of saying that our country stands together with the Cuban people as they work toward democratic change.

I believe that it is our country's duty to push for a peaceful transition to democracy in Cuba. It is a travesty that, more than a decade after the Cold War ended, a brutal communist dictator is still oppressing people just miles off the coast of Florida.

The people of Cuba continue to be denied the most basic human rights and the freedoms of speech, press, and assembly. It is estimated that more than

220 individuals are being held as political prisoners by the communist regime in Cuba. For the dissidents suffering prison terms, and for their families and loved ones, their suffering is real. And it is our duty as a free nation to let them know that we remember them, that they are not forgotten, and that their suffering is for a purpose. They must know that the world is watching and that we will not rest and will not tire and will keep working to support them until they are finally free.

I am reminded of the story that Natan Sharansky tells about his time in the Soviet gulag, when word came that President Reagan had called the Soviet Union an ''Evil Empire.'' For the political prisoners, it was the first sign that they had not been forgotten. It was a signal to them that the leader of the world's most powerful democracy had no illusions about the true nature of that regime, that he knew of their plight and was ready to call the Soviet system what is was—evil.

This resolution sends a signal to all the dissidents and political prisoners in Cuba that we have no illusions about the nature of Castro's brother's brutal regime and that we know of their plight and stand ready to help them.

I truly believe there is hope. We are witnessing a remarkable time in history as freedom prevails in places that were once rife with oppression. As former Czech Republic President Václav Havel once said, ''without free, self-respecting, and autonomous citizens there can be no free and independent nations.'' It is now time for the world to voice its support of the Cuban people so they too can rise above the injustice of the communist regime and finally achieve the freedom and independence of a democratic nation.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 573) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 573

Whereas the Cuban regime continues to deny the basic human rights of its citizens;

Whereas the Cuban people are denied freedom of the press, freedom of speech, and freedom to peaceful assembly;

Whereas the Cuban regime refuses to hold free and fair elections in order to elect a democratic government that represents the will of the people;

Whereas Freedom House recently rated Cuba as 1 of the 8 most oppressive regimes in the world;

Whereas the Cuban regime is currently holding more than 220 political prisoners according to Amnesty International, Human Rights Watch, and Reporters Without Borders;

Whereas these prisoners are illegally held in prison contrary to the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which Cuba has signed and recognizes;

Whereas 55 of the 75 political activists imprisoned in the March 2003 crackdown (known as ''Black Spring'') including independent journalists and union members, remain in prison;

Whereas the wives of these prisoners, known as the Ladies in White, continue to be assaulted for simply seeking information regarding the March 2003 arrests, most recently on April 21, 2008, when the Ladies in White were violently dragged from a peaceful sit-in by Cuban officials;

Whereas prisoners face inhuman and unsafe prison conditions, including the denial of medical treatment; and

Whereas on May 21, 2008 communities around the world will celebrate Cuba Solidarity Day, a day for the world to join together in the fight against oppression in Cuba: Now therefore, be it

Resolved, That the Senate—

(1) celebrates Cuba Solidarity Day;

(2) recognizes the injustices faced by the people of Cuba under the current regime; and

(3) stands in solidarity with the Cuban people as they continue to work towards democratic change in their homeland.

ORDERS FOR THURSDAY, MAY 22, 2008

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow, May 22; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved, and the Senate resume consideration of the House message to accompany H.R. 2641, the supplemental appropriations bill, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, under the previous order, the Senate will proceed to a series of up to four rollcall votes beginning shortly after 11:30 a.m. tomorrow. I am sorry to everyone involved that we didn't have this finalized earlier, but we were unable to do it any sooner.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 9:29 p.m., adjourned until Thursday, May 22, 2008, at 9:30 a.m.

EXTENSIONS OF REMARKS

A PROCLAMATION HONORING ELOSIE HAGAN FOR HER SERVICE WITH THE AMERICAN RED CROSS

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. SPACE. Madam Speaker:

Whereas, Elosie Hagan began volunteering with the Red Cross in 1957; and

Wheras, Elosie Hagan is 99 years young; and

Whereas, she was recognized for her more than 50 years of volunteer services during the American Red Cross of Knox County's 2008 Volunteer Awards program; and

Whereas, Elosie Hagan continues to exemplify a special dedication to service and community; now, therefore, be it

Resolved that along with her friends, family, and the residents of the 18th Congressional District, I commend and thank Elosie Hagan for her contributions to her community and country.

RECOGNIZING MAYOR BOB PHELPS

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. MARCHANT. Madam Speaker, I rise today to extend my congratulations and thanks to Mayor Bob Phelps for all the years of service he dedicated to the city of Farmers Branch, Texas.

Mr. Bob Phelps was born in Oklahoma, but got to Texas as soon as possible. He married his high school sweetheart, Dee, in 1955 and they started their journey together in Dallas. They have a son, Rob, and a daughter, Kim, and three grandchildren, Shane, Shealee and Dusty.

At the age of 19 they bought their first home in Farmers Branch in 1957. Bob started his career with State Farm in 1963 and has won many trips and awards. Some of his accomplishments are: member of the Presidents Club, which is the top 50 agents in the company, select agent, Millionaire Club numerous times, Legion of Honor Club, and the Bronze Tablet Club.

After being involved in several elections in Oklahoma helping his Dad run for county sheriff, Bob became interested in serving the great city of Farmers Branch and was appointed to the Zoning Board of Adjustment and Building Code Board of Appeals in 1984. Bob was first elected to the City Council in 1986 and served 9 years on the Council. Bob was elected mayor of Farmers Branch in May of 1996 and was unopposed in 1999 and 2002 and 2005.

Bob served on numerous boards where he showed the same dedication and determination expressed as the mayor of Farmers Branch. Again, I would like to thank Mayor Bob Phelps for his service to the community.

IN MEMORY OF AMIT ZUTSHI

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. STARK. Madam Speaker, I rise today to pay tribute to Amit Zutshi, whose untimely death at age 30 on March 19, 2008 saddened the entire community.

Amit was a resident of Fremont, California and shall be remembered fondly for the difference he made in the lives of others. Amit comes from an active family committed to community service. He followed his family's dedication to activism and the promotion of unity.

Amit was born at Cedars Sinai Hospital in Los Angeles and graduated from Mission San Jose High School in 1995. He attended graduate school and was working toward an MBA from University of Phoenix after receiving degrees in information technology and business. He was employed by Microsoft and also worked for an eCommerce company in Santa Clara, California.

On May 30, 2008, Amit's younger brother Rahul will introduce the Amit Zutshi Foundation. The Foundation's focus will be on children in need of social and community based services to help them thrive. May 30 also marks the 7th annual meeting of the Indo American Community Federation, a group Amit's father Jeevan founded to celebrate diversity.

It is fitting that Amit's memory be honored by the formation of the Amit Zutshi Foundation. Amit leaves a legacy of hard work and caring for others. The Foundation will honor his legacy.

SENSE OF CONGRESS REGARDING ESTABLISHMENT OF A BEBE MOORE CAMPBELL NATIONAL MINORITY MENTAL HEALTH AWARENESS MONTH

SPEECH OF

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2008

Mrs. JONES of Ohio. Mr. Speaker, today I rise in support of H. Con. Res. 134, to establish July as Bebe Moore Campbell National Minority Mental Health Awareness Month. The plight of families suffering from mental illness is immense due to an absence of adequate social services and the unwarranted stigma surrounding mental health issues. Due to the unwarranted social stigma and a systemic failure to ensure health care coverage, over two-thirds of the people who suffer from mental illness go untreated according to the Department of Health and Human Services. Within minority communities, even greater needs exist for mental health services. African Americans have less access to mental health services, and often receive an inferior quality of care. Higher rates of uninsured individuals also compound this problem within minority communities.

According to the National Institute on Mental Health, 20 percent of children and 26.2 percent of adults suffer from a diagnosable mental disorder in a given year. As the leading cause of disability in the U.S., many people suffer from more than one mental disorder at a given time. The need for mental health awareness is immense, particularly in the minority community.

Sadly, Bebe Moore Campbell's untimely death from brain cancer means that she is not here to see the passage of this resolution. However, it is comforting to know that her legacy lives on not only through her literature but also through this important resolution. I strongly believe that this resolution and the establishment of July as Bebe Moore Campbell National Minority Mental Health Awareness Month will address and raise awareness in minority communities of the existence of mental illness and the need for mental health services.

I am honored to remember Bebe Moore Campbell, a premier journalist, who authored a children's book entitled, Sometimes My Mommy Gets Angry, winner of the National Alliance for the Mentally Ill's Outstanding Literature Award. Through this story of how a little girl copes with being reared by a mentally ill mother, Moore Campbell was able to raise public awareness on mental health issues and heighten the consciousness of this topic within minority communities.

I proudly join my colleagues in support of this resolution and will continue to work tirelessly as an advocate for increased mental health services.

ASIAN PACIFIC AMERICAN HERITAGE MONTH

SPEECH OF

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2008

Mr. AL GREEN of Texas. Mr. Speaker, I am proud to support H. Res. 1153, a resolution celebrating Asian Pacific American Heritage Month. As an Executive Board member of the Congressional Asian Pacific American Caucus (CAPAC), and as the Representative for a district that is 12 percent Asian American, I understand how important it is to recognize the Asian Pacific American (APA) community for their valuable contributions to our Nation's history and development.

Asian Pacific American Heritage Month was celebrated for the first time in May of 1990,

● 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.

and it became an annually observed event in 1992 under the 102nd Congress. Legislators chose the month of May in honor of some noteworthy historical events that happened during this time. May 7, 1843 was the date on which the first Japanese immigrants arrived in the United States. May 10, 1869 marks the completion of the first transcontinental railroad, an incredible undertaking that was made possible due to the hard work and sacrifices of thousands of Chinese immigrants.

By celebrating APA Heritage Month, we recognize the Asian Pacific American community for all that they have accomplished and endured. This great Nation draws its strength from the diversity of cultures and ideas that it was built upon, and it could not be what it is today without their contributions.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mrs. MYRICK. Madam Speaker, due to illness, I was unable to participate in the following votes. If I had been present, I would have voted as follows:

May 13, 2008: Rollcall vote 306, on motion to suspend the rules and agree—H. Res. 1181, Expressing condolences and sympathy to the people of Burma for the grave loss of life and vast destruction caused by Cyclone Nargis—I would have voted ''aye.''

Rollcall vote 307, on motion to suspend the rules and pass—H.R. 6022, Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act—I would have voted ''aye.''

Rollcall vote 308, on motion to suspend the rules and pass—H.R. 4008, Credit and Debit Card Receipt Clarification Act of 2007—I would have voted ''aye.''

May 14, 2008: Rollcall vote 309, question of consideration on the role—H. Res. 1189, providing for consideration of the conference report to accompany H.R. 2419, the Farm, Nutrition, and Bioenergy Act—I would have voted ''nay.''

Rollcall vote 310, on ordering the previous question on the rule—H. Res. 1189, providing for consideration of the conference report to accompany H.R. 2419, the Farm, Nutrition, and Bioenergy Act—I would have voted ''nay.''

Rollcall vote 311, on agreeing to the resolution—H. Res. 1189, providing for consideration of the conference report to accompany H.R. 2419, the Farm, Nutrition, and Bioenergy Act—I would have voted ''nay.''

Rollcall vote 312, on motion to suspend the rules and agree—H. Res. 1134, Supporting the goals and ideals of Mental Health Month—I would have voted ''aye.''

Rollcall vote 313, on motion to suspend the rules and agree—H. Res. 1176, Supporting the goals and ideals of National Train Day—I would have voted ''aye.''

Rollcall vote 314, on motion to recommit conference report with instructions—H.R. 2410, the Farm, Nutrition, and Bioenergy Act—I would have voted ''aye.''

Rollcall vote 315, on agreeing to the conference report—H.R. 2410, the Farm, Nutrition, and Bioenergy Act—I would have voted ''nay.''

Rollcall vote 316, on motion to suspend the rules and agree to, as amended—H. Res. 1133, Congratulating Winona State University on winning the 2008 Division II men's basketball championships—I would have voted ''aye.''

Rollcall vote 317, on ordering the previous question—H. Res. 1190, Providing for the adoption of the concurrent resolution, S. Con. Res. 70, the Congressional Budget Act—I would have voted ''nay.''

Rollcall vote 318, on agreeing to the resolution—H. Res. 1190, Providing for the adoption of the concurrent resolution, S. Con. Res. 70, the Congressional Budget Act—I would have voted ''nay.''

Rollcall vote 319, on motion to suspend the rules and agree to—H. Res. 1173, Recognizing AmeriCorps Week—I would have voted ''nay.''

Rollcall vote 320, on motion to instruct the conferees on—H.R. 4040, Consumer Product Safety Commission Reform Act—I would have voted ''aye.''

Rollcall vote 321, on motion to instruct the conferees on—S. Con. Res. 70, the Congressional Budget Resolution—I would have voted ''aye.''

Rollcall vote 322, on motion to suspend the rules and agree to, as amended—H. Res. 789, Honoring public child welfare agencies, nonprofit organizations and private entities providing services for foster children—I would have voted ''aye.''

May 15, 2008: Rollcall vote 323, on ordering the previous question—H. Res. 1197, Providing for consideration of the Senate amendment to H.R. 2642, Military Construction and Veterans Affairs and Related Agencies Appropriations Act—I would have voted ''nay.''

Rollcall vote 324, on agreeing to the resolution—H. Res. 1197, Providing for consideration of the Senate amendment to H.R. 2642, Military Construction and Veterans Affairs and Related Agencies Appropriations Act—I would have voted ''nay.''

Rollcall vote 325, on motion to suspend the rules and pass, as amended—H.R. 5614, Original Saint-Gaudens Double Eagle Ultra-High Relief Palladium Bullion Coin Act—I would have voted ''aye.''

Rollcall vote 326, on motion to suspend the rules and pass, as amended—H.R. 406, Alice Paul Women's Suffrage Congressional Gold Medal Act—I would have voted ''aye.''

Rollcall vote 327, on motion to suspend the rules and pass, as amended—H.R. 5872, Boy Scouts of America Centennial Commemorative Coin Act—I would have voted ''aye.''

Rollcall vote 328, on agreeing to the Senate amendment with amendment No. 1—H.R. 2642, Military Construction and Veterans Affairs and Related Agencies Appropriations Act—I would have voted ''present.''

Rollcall vote 329, on agreeing to the Senate amendment with amendment No. 2—H.R. 2642, Military Construction and Veterans Affairs and Related Agencies Appropriations Act—I would have voted ''nay.''

Rollcall vote 330, on agreeing to the Senate amendment with amendment No. 3—H.R. 2642, Military Construction and Veterans Affairs and Related Agencies Appropriations Act—I would have voted ''nay.''

PEACE OFFICERS MEMORIAL DAY

SPEECH OF

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2008

Mr. FOSSELLA. Mr. Speaker, I rise today in support of House Resolution 1132, a resolution supporting the goals and ideals of Peace Officers Memorial Day and to honor more than 900,000 Federal, State and local law enforcement officials who serve this Nation. This year, 358 new names were added to the National Law Enforcement Offices Memorial, representing names of officers who lost their lives over the course of many years. In 2007 alone, 187 officers from across the United States were killed in the line of duty. These heroes were sons and daughters, husbands and wives, sisters, brothers, and true role models for each of us.

Congress passed legislation (PL 87–726) that requested the President to issue proclamations designating May 15th as National Peace Officers Memorial Day, and the week in which it falls as National Police Officers Week. National Police Week provides us with an opportunity to honor and thank those who keep us safe, protect our streets each day, and allow us to take advantage of the many freedoms we enjoy today. It also provides us with an opportunity to honor those who have paid the ultimate sacrifice.

Our local police officers, like those throughout Staten Island and Brooklyn, commit their lives to serving and protecting our communities, keeping our neighborhoods safe for our families and loved ones. America's finest police officers across the country remain dedicated to their mission despite the tremendous risks involved with their service. Unfortunately, many of these brave members of our community pay the ultimate sacrifice and leave many families mourning the loss of loved ones.

Mr. Speaker, I urge my colleagues to join me in passing this resolution.

A PROCLAMATION HONORING RANKIN & RANKIN INSURANCE AGENCY FOR ITS 80 YEARS OF SERVICE

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. SPACE. Madam Speaker:

Whereas, Rankin & Rankin Insurance Agency has served the Zanesville, Ohio community for 80 years; and

Whereas, Rankin & Rankin Insurance Agency has grown through hard work and determination since April 9, 1928; and

Whereas, Rankin & Rankin continue to provide professional advice and direction for all of their customers; now, therefore, be it

Resolved that along with the residents of the 18th Congressional District, I commend and thank Rankin & Rankin Insurance Agency for its contributions to its community and country.

HONORING BENJAMIN B. DUTTON, JR.

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. WOLF. Madam Speaker, I rise today to share with our colleagues the news about an outstanding recognition recently given to one of our House employees, who I am proud to say is a member of my staff. I pay tribute today to Benjamin B. Dutton, Jr., a man who is called ''Mr. Winchester.'' I am fortunate to have Ben representing my office in Winchester, Virginia, one of the best small cities in America.

Along with diligently serving constituents not only for my office since 1990, when Winchester became part of the 10th Congressional District, but also for my predecessors George Allen and the late French Slaughter, Ben has played an active and key role in the Shenandoah Apple Blossom Festival since it began in 1927.

The Apple Blossom Festival is a special event in Winchester each spring and I look forward to participating in the Grand Feature Parade every year. Ben was recognized this year in the Festival program as the ''Keeper of the Flame'' for the Festival. He served as the president of the festival from 1970–1972 and currently serves on the Board. Even as Ben approaches his 83rd birthday this June, he is still actively involved in making sure the Apple Blossom Festival is a success every year.

Ben is very deserving of all the honors and accolades coming his way and is truly committed in his service to his community. I am proud that he is a member of my staff and I am proud to call him my friend. The Festival program recognition of Ben as ''Keeper of the Flame'' follows:

BEN DUTTON: KEEPER OF THE FLAME

The Shenandoah Apple Blossom Festival® is constantly in a state of flux; constantly reinventing itself. At the same time, the Festival works very hard to maintain its balance; to maintain its place in history; and, to never lose contact with its roots and its purpose. We know all too well how the Greatest Generation is being taken from us at an alarming rate these days; but, one of the ''Keepers of Flame'' for the Festival; one of the guardians of our roots, Mr. Ben Dutton, is still carrying on an active role in the Festival world even as he approaches his 83rd birthday.

When asked recently when he reckoned that his involvement with the Festival started, Ben replied, ''From the beginning!'' Shortly after the Festival was founded, the Washington Post ran a pictorial article in 1927 called ''The Little Blossoms of Winchester''; and, Ben, aged two, was one of the local children featured in the article. Ben is quick to credit his Mother's very close friendship with Tom Baldridge, the original ''Mr. Apple Blossom'', for instilling in him early in life a great love and devotion for the Festival. Mrs. B. B. Dutton, Sr., was the Chairman of the Queen and Court Department those many years ago; and, Tom Baldridge had started his incredible run as Director General of the Festival in 1937 when Ben was just a child. Growing up around Mr. Tom's boundless enthusiasm, seemingly inexhaustible energy and undying love for the Pink and Green lit a Festival fire in young Ben that has never been quenched.

Following graduation from Handley High School, Ben served three years in the U.S. Army during World War II; graduated from the University of Virginia in 1950; and, married his lovely wife, Jean Whipple Dutton, in 1952. They began their family of three beautiful daughters shortly thereafter; and, Ben began working in the insurance business in Atlanta, Louisiana and Southwest Virginia. In 1963, Ben returned to Winchester for good; joining the firm of J. V. Arthur as a Vice President and partner; and, immediately returning to the Apple Blossom World. He served as President of the Festival in 1970, 1971, and 1972. He served as the Festival's volunteer Executive Director in 1971; and, professionally in that capacity from 1995 to 1997.

Ben remembers fondly from the early 70s, the establishment of the ties between the Festival and the then-new Disney World in Orlando; and, the beginning of the visits of Disney's World Ambassador (always a pretty girl); and, of Mickey Mouse. He also enjoyed helping to establish an adults' beer, peanuts and dance party at the National Guard Armory called ''Your Father's Mustache''. Another memory from the past: the balls that used to be held in old, dry, wooden packing sheds, filled with wooden apple crates and bulk bins; and, decorated with cascades of crepe paper and lanterns. While the memory sounds quaint and charming, it is obvious that the insurance agent in Ben winces at the through of the old-fashioned barn-dance-type fire hazards involved.

When asked to describe his favorite Festival guests from the early 1970s, Ben had no problem zeroing in on two very special people; people who are not only very special in their places in the history of the world; but, who are obviously very special people in Ben Dutton's life. In 1972, Ben sought out and received the services of the Reverend Billy Graham as Grand Marshal of the Festival. It is not at all hard to imagine the electric effect Graham had on the Festival crowds that year. It is also obvious, listening to Ben tell the story, that his time spent with Dr. Graham is something that he will never forget. Ben says that the met him at Dulles Airport and that Billy told him that ''he had always wanted to cross the Blue Ridge and descend into the Shenandoah Valley in the springtime.'' Ben's other favorite was the Festival appearance in 1971 of Admiral Alan Shepard, who was in town to crown his daughter, Juliana, as Queen. Shepard had recently returned from an Apollo Mission to the Moon. Ben is still fascinated by the fact that the raucous crowd at the Stag Luncheon was instantly hushed to silence when Admiral Shepard stepped to the microphone to describe his trip to the Moon.

When asked how he feels after all these years when he sees the lead units of the Grand Feature Parade coming up Washington Street Hill, Ben said that ''He still had; and, always would have a tender spot in his heart for that scene.'' He continued, ''What would springtime be like without it?'' Ben, admittedly, had a rough winter of 2007–2008. Health problems kept him away from one Festival Board Meeting after another; and, this was tough for a man who has remained active enough in the Festival to have played a key role in the establishment of a new event, the Men's Commonwealth Luncheon, just two years ago. The February 2008 Board Meeting had already started when, unexpected and unannounced, in the door walked Ben Dutton. The immediate burst of applause was instantaneous, genuine, affectionate and relieved. Festival people do know who the Keepers of the Flame are; and, they are cherished!

IN TRIBUTE TO CHARLES M. HAIR, M.D.

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. GALLEGLY. Mr. Speaker, last week the Livingston Memorial Visiting Nurse Association celebrated its 60th anniversary and, in doing so, paid tribute to Charles M. Hair, M.D., for his enduring devotion to the organization.

I, too, rise in tribute to Dr. Hair, Chairman of the Board of Livingston Memorial Visiting Nurse Association.

Dr. Hair was raised in the farming community of Santa Paula, California. He joined the U.S. Army after earning his M.D., at the USC School of Medicine, and served two years in an Army field hospital in post-World War II Salzburg, Austria.

He returned to his home in Ventura County, California, in 1948, and embarked on a career as a family doctor. He and his wife, Gerry, whom he met when he was a student at Ventura College and she a student at Ventura High School, raised five children here.

Dr. Hair retired from family practice in the mid-1980s, but his dedication to his profession and the ill continues undaunted. Throughout his tenure with the Visiting Nurse Association, Dr. Hair has overseen the direction and growth of the agency to meet the complex and ever-changing home health needs of Ventura County.

In doing so, Dr. Hair brings a rural family doctor's perspective and philosophy to Livingston Memorial Visiting Nurse Association. The Association was founded to provide home care services as an alternative to institutionalizing the frail, elderly, sick and disabled, an idea dear to the heart of a family physician. In 1965, Medicare certified the Association as a home health agency. In 1987, it developed a Medicare-certified Hospice program.

Today, Livingston Memorial Visiting Nurse Association is Ventura County's only not-for-profit home health agency with a Medicare-certified home hospice program. Livingston services are provided for every individual in need, regardless of ability to pay.

Livingston Memorial Visiting Nurse Association's continued ability to provide professional, licensed, compassionate home care that is high quality and cost effective is in no small measure due to Dr. Hair's vision and direction.

Mr. Speaker, I know my colleagues will join me in tribute to Dr. Hair and his vast contributions to comforting and treating the ill and thank him for a lifetime of healing.

FORECLOSURE PREVENTION ACT OF 2008

SPEECH OF

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Ms. VELÁZQUEZ. Mr. Speaker, let me first commend Chairman FRANK and Chairman RANGEL for their leadership in moving the American Housing Rescue and Foreclosure Prevention Act of 2008 forward. This is an intelligent and measured piece that addresses

the devastating effects of the mortgage crisis. For years, Washington was asleep at the switch. But now, this Congress is addressing and preventing foreclosures.

Nearly 650,000 foreclosure filings were issued in the first quarter of 2008, which represents 1 of every 194 households. Every day that goes by without action means more families are at risk of losing their homes.

This crisis—like so many other components of the current recession—hit low-income and minority neighborhoods the hardest. Each home lost to foreclosure affects entire neighborhoods. Chairwoman WATERS' bill H.R. 5818—of which I am an original cosponsor—allows homeowners to fight back.

I want to particularly highlight a provision I pushed to get added to this fine legislation. Many homeowners ended up in foreclosure because they didn't get sound mortgage advice. They need someone on their side—we all know the bank will be well represented. I am proud to have worked with Chairman FRANK and several of my Financial Services Committee colleagues to ensure that low-income homeowners and veterans in high foreclosure areas have access to professional counseling. Many distressed homeowners need sound advice now more than at any other time in their lives. Our legislation provides the help they need.

When a family loses a home to foreclosure, they lose more than four walls and a roof—they lose their economic stability. The housing package we are debating not only addresses immediate needs but is a solid strategy for preventing a future housing downturn.

I urge a ''yes'' vote on the American Housing Rescue and Foreclosure Prevention Act.

H.R. 5720—THE HOUSING ASSISTANCE ACT OF 2008

HON. BILL FOSTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. FOSTER. Madam Speaker, I am submitting this statement to record my strong and enthusiastic support for H.R. 5720, the Housing Assistance Act of 2008.

As everyone knows we are facing a foreclosure crisis the likes of which have not been witnessed since the Great Depression. According to RealtyTrac, a site that tracks foreclosure data, there were a total of a little over 2.2 million foreclosure filings—default notices, auction sale notices and bank repossessions last year, up an astronomical 75 percent from the previous year. In addition, more than 1 percent of all U.S. households were in some stage of foreclosure last year.

My home State of Illinois has not been immune to the crisis. Again, according to the latest statistics from RealtyTrac, there were almost 91,000 foreclosure filings last year, an increase of over 25 percent from 2006 and an increase of over 94 percent from 2005.

This common-sense legislation has many provisions designed to spur the sagging real estate market. First and foremost, this bill would provide first-time home buyers with assistance in making a down payment on a home by providing these individuals with a refundable tax credit that is equivalent to an interest-free loan equal to 10 percent of the purchase price of their home, up to $7,500.

Moreover, the bill helps struggling taxpayers. Specifically, the bill would provide home owners who claim the standard deduction with an additional standard deduction for State and local real property taxes. The maximum amount that may be claimed under this provision is $350, $700 for joint filers.

I have introduced a similar proposal H.R. 5790, the Universal Homeowner Tax Cut Act of 2008. This bill would allow taxpayers who do not itemize a deduction for State and local real property taxes. I fully support providing these hard-working Americans tax relief and I hope some version of real property tax relief is enacted this year.

In addition to these core provisions, the bill contains other provisions regarding mortgage revenue bonds and tax simplification designed to spur homeownership.

This bill, in conjunction with a slew of bills that the House passed last week designed to stem the foreclosure crisis and restore the housing markets, will help us weather these turbulent economic times.

I support this bill and hope Congress will expeditiously send it to the President for his signature.

STRATEGIC PETROLEUM RESERVE FILL SUSPENSION AND CONSUMER PROTECTION ACT OF 2008

SPEECH OF

HON. PETER WELCH

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2008

Mr. WELCH of Vermont. Mr. Speaker, I thank Chairman DINGELL for his leadership and commitment to getting gas prices under control.

Mr. Speaker, I would like to submit this letter from Congressman RON KIND for the CONGRESSIONAL RECORD. Mr. KIND has been a leader on this issue starting in January when he sent this letter to the President urging him to take action in suspending shipments to the SPR.

Mr. Speaker, in the face of skyrocketing fuel costs and growing economic concerns, Congress must take action.

Today we take the small but important step of temporarily suspending the fill of the Strategic Petroleum Reserve. Taking this action sends a strong message to the market that will lower fuel prices and provide immediate relief to consumers.

With the price of gas today at nearly $4 a gallon and crude oil trading at a record high of $126 a barrel, we cannot continue the outdated policy of topping off a full SPR.

Since 2002, the price of oil has risen a staggering $100 a barrel, and prices at the pump have more than tripled. We must stop taking 70,000 barrels of oil off the market every day while hard working Americans are struggling to till their gas tanks.

By continuing to top off our oil reserve, consumers are paying not once, but twice.

Taxpayer dollars are being used to pay record high prices for SPR oil, while the act of buying that oil is actually driving gas prices higher.

The reserve is currently 97 percent full and maintains a stockpile of over 700 million barrels of oil. By taking this action today, we can offer short term economic relief to the market and to all consumers.

This is a short term solution, and by no means a replacement for the long term energy policy we need to end our dangerous and costly addiction to oil. Last year this Congress made real progress by increasing CAFE standards for the first time in 2 decades by committing to combat oil and market manipulation, promoting the use of more affordable American biofuels, and making large investments in renewable energy development.

The U.S. consumes nearly 20 million barrels of oil a day. Prices are high in part because supply has not kept up with demand. The Department of Energy recently reported that suspension of shipments to the SPR could reduce prices by about $2 a barrel of oil and 5 cents per gallon of gasoline. Other experts have estimated that the suspension could diminish speculation in the market, and lower the price by anywhere from 5 to 25 cents a gallon.

This action would provide real and immediate benefits. Twenty-five cents would add $300,000 to the bottom line of a local trucking company in my district. A rural school district in E. Montpelier, Vermont would save $30,000 in taxpayer financed busing costs. Families, workers, seniors and students need this relief.

Over the last 8 months, the Bush administration has purchased over 10 million barrels of oil to top off the SPR. In that same period of time the price of oil went from $40 a barrel to over $120.

In 2006, facing record high oil prices President Bush said ''. . . by deferring deposits until the fall, we'll leave a little more oil on the market. Every little bit helps.'' Every little bit does help, and I urge my colleagues on both sides of the aisle to take this opportunity to provide them immediate relief.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 22, 2008.

Hon. GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I write to urge the U.S. Department of Energy to suspend oil shipments to the Strategic Petroleum Reserve (SPR) to allow more oil to remain on the market and available to consumers. This action is necessary to address record prices and stimulate a precarious economy.

While the escalating cost of crude oil has made headlines for the past several years, never before have we seen as dire a situation for consumers as the one we are experiencing now. Even the price spikes following Hurricane Katrina did not come close to the $100 per barrel oil we saw last month, yet your Administration wisely responded to that crisis by temporarily suspending purchases for the SPR. That action was successful in providing the type of immediate, targeted relief we need now.

The writing is on the wall: our country is clearly in danger of recession. Unemployment is up, retail sales are slowing, housing prices continue to slide, and consumers and lenders alike continue to suffer the fallout from the sub-prime mortgage crisis. Average families are feeling the effects more painfully than ever as they experience the worst inflation in 17 years, largely because of escalating food and fuel prices.

Suspending the 12.3 million barrels of oil scheduled to be delivered to the SPR over the next six months is a simple step your Administration can take immediately to lower gas prices, put money directly into the wallets of Americans, and save taxpayer dollars. Congressional investigations and independent experts have found that purchasing

oil for the SPR drives up gas prices, and costs taxpayers billions. This is money that working men and women cannot put into other parts of the economy, harming American families and businesses alike.

While I recognize this action should not be taken as a means of reducing prices in the long run, it can have temporary benefits that could go a long way to helping American families who are being squeezed, and to stimulate the economy. I urge you to take this important step.

Sincerely,

RON KIND,
Member of Congress.

A PROCLAMATION HONORING COMMANDER SERGEANT LAWRENCE SKAGGS FOR HIS MILITARY SERVICE AND INDUCTION INTO THE OHIO MILITARY HALL OF FAME OF VALOR

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. SPACE. Madam Speaker:

Whereas, Sergeant Lawrence Skaggs served in the United States Army; and

Whereas, he was inducted into the Ohio Military Hall of Fame of Valor; and

Whereas, the local Army Reserve Center in Chillicothe, Ohio bears his name in commemoration of his hard work and dedication; and

Whereas, Sergeant Lawrence Skaggs earned the Silver Star, a Purple Heart, Good Conduct, World War II Victory, and Asiatic Pacific Campaign medals for his service; now, therefore, be it

Resolved that along with his friends, family, and the residents of the 18th Congressional District, I commend and thank Sergeant Lawrence Skaggs for his contributions to his community and country.

IN MEMORY OF GOPAL RAJU

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. WILSON of South Carolina. Madam Speaker, on April 10, Mr. Gopal Raju, a pioneer of Indian American Journalism, leader in his community, and founder of the publication India Abroad, News India-Times, and the Indian American Center for Political Awareness (IACPA), passed away at the age of 80.

Mr. Raju spent a lifetime supporting the Indian American community and promoting a stronger relationship between India and the United States. In particular, the Washington Leadership Program that was formed under the IACPA has allowed nearly two hundred Indian Americans to participate as interns on Capitol Hill—some of whom have even served in the office of the Second Congressional District of South Carolina.

Additional achievements include launching the Indian American Foundation (IAF)—which raised millions of dollars for causes in India—and the India Abroad News Service that for over 20 years has been a vital channel for information sharing between the United States and India. Most recently, Mr. Raju was the editor and publisher of News India-Times, Gujarat Times, and Desi Talk.

A man of passion and committed to the needs of his community and his people, Mr. Raju received the Ellis Island Medal of Honor which is given to immigrants for their contributions to the United States, the 2000 Asia Society's Leadership Award, the 2006 Taraknath Das Foundation award, and in 2007 he was recognized by India with the Pravasi Bharatiya Samman award.

A memorial service for Mr. Gopal Raju was held on May 17th at the Maharaja Hall in Royal Albert's Palace in Fords, New Jersey. It was organized by India Abroad and the South Asian Journalists Association.

I was honored to have met this incredible individual. I know his humility and selfless contribution to the lives of the millions his programs and publications touched will be missed. My thoughts and prayers are with Mr. Raju's family and the entire Indian American community.

EARMARK DECLARATION

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. SMITH of Texas. Madam Speaker, I submit the following:

Requesting Member: Congressman LAMAR SMITH.

Bill Number: H.R. 5658.

Account: Department of Defense, Army RDTE (R–1 Line #133).

Legal Name of Requesting Entity: Applied Physical Electronics, LLC.

Address of Requesting Entity: 5208 Electric Avenue, Spicewood, Texas 78669.

Description of Request: The requested funds will be used to produce technology to support efforts against terrorist activities, to fund two endowed professors from the University of Texas for antenna design support and for signal and image processing, to acquire key capital laboratory equipment, and to hire 12 highly skilled professional engineers, as well as supporting staff. The UT professors will be funded to continue in their efforts to help design compact antenna structures, as well as the development of algorithms necessary for detecting and identifying explosives and controlling electronics used with Improvised Explosive Devices (IEDs). The necessary equipment and additional staff will further the development of APELC's technology into systems deployed for defense against IEDs and Rocket Propelled Grenades (RPGs), with the ultimate objective being the utilization of APELC's technology as integral components of future applicable DoD systems, including MDA, Army, Air Force, DARPA and the Navy.

Description of Matching Funds: APELC is close to securing matching funds from a U.S. prime contractor in the form of a 3 year teaming agreement. The amount is expected to be approximately 1:3 match to the dollars requested. The matching funding will be used to move APELC's technology into deployable systems for field use. Furthermore, the principals of APELC continue investing in the company, and in the form of facility improvement to better facilitate technology development.

CONGRATULATIONS TO CENTRAL HIGH SCHOOL CLASS OF 1958

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. PAUL. Madam Speaker, I am pleased to extend my congratulations and best wishes to the Central High School Class of 1958 as they prepare to celebrate their 50th class reunion on May 30, 2008. Central High is located in Galveston, Texas, which is in my Congressional district. Constructed in 1895 to ensure that the segregation laws then in effect did not deny Galveston's African-American children the opportunity to obtain an education, Central High is the oldest high school in Texas built to serve African-Americans.

Laws dictating what schools a child can and cannot attend, based solely on that child's race, are a shameful aspect of America's history. We should take every opportunity possible to salute those, like the students of Central High, who refused to allow the "Jim Crow" laws stop them from obtaining an education.

The class of 1958 holds particular significance, as they were the first class to complete all 4 years in the new Central High that opened in 1954. Madam Speaker, I once again extend my congratulations to the members of the Central High Class of 1958 as they prepare to celebrate their 50th class reunion.

H.R. 5613, THE PROTECTING THE MEDICAID SAFETY NET ACT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. CONYERS. Madam Speaker, I rise to voice my strong support for H.R. 5613, the Protecting the Medicaid Safety Net Act. This important bipartisan bill extends a moratorium until April 1, 2009 on seven Administration-imposed Medicaid regulations that if implemented, would severely reduce federal Medicaid funding.

Without the moratorium, Medicaid funding to states for vital programs and services would be cut by $18 billion over the next 5 years. These cuts include restrictions on Medicaid payments for graduate medical education, GME, rehabilitation services, and outpatient hospital services, among other services.

It would be irresponsible to think about cutting funding to academic medical centers and residency training programs when we currently face a shortage of physicians. If these cuts were allowed to go into effect, we would be unable to provide necessary medical services to many people who depend upon Medicaid.

Constantly cutting funds to the very services which keep our fragmented, nonsystem of health care afloat is inhumane and nonsensical.

The tactic of underfunding federal programs in an attempt to undermine their effectiveness demonstrates the Administration's lack of commitment to the programs that faithfully and effectively serve the American people.

Madam Speaker, passage of H.R. 5613 is simply a necessity. We must halt the underfunding of important Medicaid programs. I wholeheartedly support the passage of H.R. 5613, the Protecting the Medicaid Safety Net Act.

HONORING DIANE B. GARRO OF THE SOCIAL SECURITY ADMINISTRATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. RANGEL. Madam Speaker, I rise today on behalf of myself and Ways and Means Ranking Member JIM MCCRERY to recognize Diane B. Garro, an exemplary public servant. Ms. Garro is retiring after 36 years of distinguished service at the Social Security Administration.

Ms. Garro has devoted her professional life to serving Social Security's current and future beneficiaries. Like many other dedicated SSA employees, Ms. Garro began her career on the front lines, directly serving beneficiaries. Through her talent and hard work, she rose to become a key senior executive.

Ms. Garro started her career with SSA while she was still a college student, and later took a full-time job as a claims authorizer for disability benefits. Her skill and commitment were recognized as she was promoted to a variety of management positions throughout the agency, and she eventually was named as Assistant Deputy Commissioner—the top civil service position—in SSA's Office of Legislation and Congressional Affairs, OLCA. She has served with distinction for over 12 years in that position or as Acting Deputy Commissioner. She has helped to establish a high standard for knowledge, cooperation and professionalism in representing SSA with Members of Congress and their staff.

Ms. Garro is recognized as an expert on SSA's disability policies, with a particular expertise in the complex challenge of determining childhood disability. With her early experience as a disability claims authorizer as a base, and additional experience gained in organizational management, she was named Director of SSA's Division of Medical and Vocational Policy, which is responsible for developing the regulations and policies used to determine whether an applicant meets the test of disability in the law. She was chosen to represent SSA on a White House workgroup on children with disabilities, and she addressed the National Commission on Childhood Disability on behalf of SSA.

Ms. Garro also led the development of SSA's medical listing for HIV, creating a streamlined process that allowed individuals with HIV to qualify for presumptive disability payments based on a doctor's certification. As a result, payments for individuals suffering from HIV could begin in a matter of days rather than months. She also played a pivotal role in developing and implementing the procedures the Agency continues to use to expedite benefits to terminally ill applicants.

At the Committee on Ways and Means, we are grateful for Ms. Garro's vast expertise covering Social Security programs and agency operations, and her skill in communicating vital information to Congress. She has led the Congressional affairs team with a high degree of integrity, knowledge, and compassion. The Subcommittee on Social Security particularly appreciates her unfailing responsiveness, and her timely, accurate, and insightful analysis on issues ranging from disability determination to disclosure of information to the impact of immigration reform on SSA. The technical assistance she and her staff have provided over the years has been invaluable in perfecting the laws Congress has enacted.

Ms. Garro's tenure in OLCA spanned six SSA Commissioners. She led SSA's preparation of witnesses for many hearings, and the Committee learned to expect those witnesses to be ready to handle any question we would ask. Ms. Garro also participated in innumerable Congressional briefings. Her hallmark was a thoughtful, practical, well-reasoned approach to any issue, leavened by a sense of humor that ensured balance and perspective.

Diane Garro's career exemplifies her commitment to providing effective, compassionate, and knowledgeable service to the Agency and to the American public. She can retire knowing she has the respect and admiration of those who have worked with her, and she can be very proud of her accomplishments.

We wish Ms. Garro all the best in her retirement from the Social Security Administration. We thank her for her many years of dedicated Federal service, and we will certainly miss her.

H.R. 3221—FORECLOSURE PREVENTION ACT OF 2008

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. TIAHRT. Madam Speaker, owning a home is an essential component of the American dream, and an accomplishment that millions of Americans aspire to and take pride in. In recent months, however, the housing market has entered a slump. The effort to provide a way for all Americans to own their own homes brought a sharp increase in the usage of subprime and exotic mortgages, which proved to be more than the market could handle. We now find ourselves grappling with decisions on how best to ''fix'' the problems that have arisen in the housing market and in our economy.

However, a broad government handout, such as what has been proposed in recent legislation, is not the answer.

While the housing slump must be addressed, I am concerned by the precedent of using taxpayer dollars to bail out fraudulent lenders and, in some instances, irresponsible borrowers. H.R. 5818 and H.R. 3221, the so-called ''Neighborhood Stabilization Act of 2008'' and ''Foreclosure Prevention Act of 2008,'' propose such a bailout at the cost of responsible, hardworking American families.

These bills do contain important provisions such as the modernization of the Federal Housing Authority (FHA) and reform of Government-Sponsored Entities (GSEs). These bills, however, also include a $300 billion taxpayer-funded government subsidizing of irresponsible lending behavior. I fully support the FHA and GSE reform measures that have passed the House of Representatives, yet I cannot support a massive bailout to irresponsible lending practices and market speculators. For these reasons, I voted against H.R. 5818 and H.R. 3221.

While I cannot support legislation that rewards bad behavior at the expense of taxpayers, I remain strongly committed to supporting measures that provide the necessary relief to families who have been victimized without burdening taxpayers for the irresponsibility of others. Therefore, I am supporting two alternative bills introduced before the House of Representatives that precisely address the needs of homeowners in a responsible and fair way.

First, H.R. 5974, The Housing Opportunity for All Americans Act of 2008, addresses the housing slump in a responsible way. Instead of providing a massive bailout to irresponsible lenders and borrowers, this legislation creates a market incentive approach to the housing slump. The market approach includes a one-time tax credit for homebuyers of 10 percent of the home's purchase price (up to $10,000) for 1 year after the enactment of the bill. Also, under this legislation, taxpayers who are non-resident aliens, flip a home within the 1 year period, or sell a house to a relative simply for the credit, would not be eligible. Furthermore, mortgages which exceed the maximum original principal obligation of a mortgage Freddie Mac will purchase would not qualify.

Second, H.R. 5857, the Homeownership Protection and Housing Market Stabilization Act of 2008, is also a more responsible approach to addressing the current problems facing the housing market. The bill includes provisions to directly protect home buyers and owners, such as housing counseling, improved disclosure practices, fraud combating and prevention measures, and encouragement to rework loans instead of foreclosing. It also aims to help prevent lenders from falling into the same habits that have recently developed in the industry by providing liability protection for helping troubled borrowers, requiring escrow accounts for subprime borrowers, and reforming appraisal practices for prospective homebuyers. In addition, this legislation contains provisions similar to those that have passed this House with my support: FHA modernization and improved regulation of GSEs, including Fannie Mae, Freddie Mac, and the Federal Home Loan Banks.

These alternative bills provide the integrity of the appraisal process and strengthen mortgage fraud prevention efforts that will help bring stability to the current housing market. These bills together represent a viable alternative, offering an appropriate response to a serious problem without burdening taxpayers for the irresponsibility of others.

I am hopeful that a bipartisan compromise can be achieved in Conference that can be supported by majority of the Members of the House and Senate, as well as the President. An effectual and responsible solution to the current situation must be reached for the sake of our economy and our citizens, and I hope to be able to vote on legislation that provides sensible but effective relief for American homeowners.

IN RECOGNITION OF THE ACHIEVEMENTS AND LIFE OF JOSÉ ''CHEGÜI'' TORRES

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Ms. VELÁZQUEZ. Madam Speaker, I rise today to recognize the remarkable life achievements of a beloved Puerto Rican sports icon and long-time distinguished New Yorker. José ''Chegüi'' Torres is an example to us all, both for his accomplishments as an athlete and his dedication to his community and Nation.

Chegüi was born on May 3, 1936 in Ponce, Puerto Rico. By his late teens, he had shown such prowess in the ring, that he was invited to join the U.S. Olympic Boxing Team. As an Olympian, he won a silver medal in the junior middleweight division at the 1956 Melbourne Summer Games.

Subsequently—still as an amateur boxer—he won the 1958 Inter-City Golden Gloves Championship. Later that year, Chegüi chose to join the ranks of boxing professionals. He débuted with a first round knockout of George Hamilton in New York, and followed that impressive professional victory with 12 wins—10 of them by knockout. On March 30, 1965, the Brooklyn resident became world light-heavyweight boxing champion before thousands of adoring fans at Madison Square Garden. He is one of the first three Puerto Ricans to earn a world title, and the first Hispanic ever to win the world's light heavyweight championship.

The notoriety that came from his 1965 triumph brought him considerable national attention. It even led to such highlights as an appearance—and singing performance—on the Ed Sullivan Show. Not one to rest on his laurels, however, Chegüi successfully defended his championship belt three times. In fact he did not retire from the sport until 1969, doing so with an impressive 41–3–1 record.

In more recent years, Chegüi has distinguished himself as a leader of New York's Puerto Rican community. He is a familiar face to city residents, and a tireless advocate of the less fortunate among us. From 1984 to 1988, he also served as New York State Athletic Commissioner. And, from 1990 to 1995, he was named President of the World Boxing Organization.

Having traded his boxing gloves for the might of the written word, Chegüi is now also an accomplished author. He has written several books, among them: Sting Like a Bee, about Muhammad Ali and Fire and Fear, about Mike Tyson. He is also a highly regarded sports columnist for ESPNdeportes.com and a commentator for ESPN Deportes and ESPN International.

José ''Chegüi'' Torres has lived a remarkable life. He has accomplished tremendous victories inside the ring, and—on behalf of Puerto Ricans everywhere—outside of it. He has shown himself to be a leader, a fierce representative of his Nation, and a tireless supporter of his community. After four decades of living in New York, ''Chegüi'' returned with his wife of more than 46 years, Ramona Ortiz Rodriguez, to his beloved Puerto Rico. He takes with him a lifetime of memories, our best wishes, and the respect of a people who will forever see him as their champion.

TRIBUTE TO DR. SALTER JOSIAH COCHRAN JR.

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. BUTTERFIELD. Madam Speaker, it is with great admiration and respect that I recognize a dear friend and one of this nation's most distinguished citizens, Dr. Salter Josiah Cochran Jr. Dr. Cochran was born on February 28, 1922 here in Washington, DC. He attended the public schools for the District of Columbia and graduated from historic Dunbar High School. Thereafter, he attended and graduated from Howard University receiving both a Bachelor's of Science degree and a medical degree from the School of Medicine. I applaud and commend Dr. Cochran and his classmates upon recently celebrating their 60th medical school class reunion.

Dr. Cochran served our country as a Captain in the United States Army Medical Corps. He served as Chief of the Outpatient Clinic and attending physician while stationed at Fort Belvoir, Virginia and Walter Reed Military Hospital. Upon his discharge he was awarded the Combat Medical Badge and two Bronze Stars for his service to our country.

After his military service, Dr. Cochran moved to North Carolina and embarked upon a very successful career as a community physician. He practiced medicine in Weldon, North Carolina for 51 years and retired from the practice in 2001 with thousands of patients who truly appreciate his service. Dr. Cochran also served as physician for the 632nd Air Force Radar Base in Roanoke Rapids, North Carolina. Both of these communities are in my Congressional District.

Even though Dr. Cochran committed many hours of providing dedicated service to his patients, he remained true to his commitment to be active, productive and dedicated to every facet of the community. Dr. Cochran served as the President of the Old North State Medical Society; President of Halifax-Northampton County Medical Society; Member of the School Board in Weldon, North Carolina; Physician for Caledonia Prison System in Halifax County; Chief Medical Examiner in Halifax and Northampton Counties; Weldon High School Sports Physician; Chairman of the Board of Elections in Halifax County; and a life member of Kappa Alpha Psi Fraternity, Inc.

In December of 2001, Dr. & Mrs. Cochran retired to Suffolk, Virginia and now live in retirement in Smithfield, Virginia.

Madam Speaker, Dr. Cochran is a devoted husband and father. He is married to the former Doris Hill of Denver, Colorado. The Cochran's are the proud parents of four children: Leslie G. Bobbin, Anthony P. Cochran, Christine A. McLarty, and Robin C. Quarles. They also have 7 grandchildren: Amanda M. Bobbitt, Lydia M. Bobbin, Zachary J. Quarles, Jeremiah K. Quarles, Ryan A. Cochran, Lindsey K. Cochran, and Daniel F. McLarty.

I urge my Colleagues to join me in recognizing Dr. Salter Josiah Cochran, Jr.

HONORING HAMILTON COLLEGE WOMEN'S LACROSSE TEAM

SPEECH OF

HON. MICHAEL A. ARCURI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. ARCURI. Madam Speaker, I rise today to proudly congratulate the Hamilton College women's lacrosse team on winning this year's NCAA Division III Championship.

I commend the Hamilton Continentals on their remarkable 21–1 performance this season and on setting a NCAA program record for the year. The Continentals achieved a stunning 19-game straight victory leading into the playoffs, and this year marks the first time that the team has advanced to the national semi-finals in its playoff history. This team has proven that a strong will and never looking back will take you far, as it encountered and beat both the number-one ranked team and the defending champions en route to their 13–6 victory in the final.

The Hamilton Continentals are a shining example of what hard work and commitment can produce, and I am delighted to represent such an inspirational group of young athletes in Congress. The sacrifices and contributions of the entire team and their head coach merit true recognition. The Continentals have brought pride and honor to our community as well as their loved ones and the students and alumni of Hamilton College.

Madam Speaker, I deeply congratulate the Hamilton College women's lacrosse team on this great accomplishment, and I wish them luck and success in their future endeavors.

SUPPLEMENTAL APPROPRIATIONS ACT, 2008

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2008

Mr. KUCINICH. Mr. Speaker, I rise in opposition to the first and second amendments to the Senate amendment to H.R. 2642. In November 2006, the people of the United States gave this Congress a mandate to end the war in Iraq. Yet today we are in the same place we were in January of 2007 and have not taken appropriate action to end the war.

The first amendment considered today continues to fund the war with an additional $162.5 billion for operations in Iraq and Afghanistan. These funds will carry the wars in Iraq and Afghanistan into 2009. This money adds to the $700 billion that Congress has appropriated for all war related expenses since 2001. Expert analysis tells us that the real cost of funding this war will amount to $3 trillion. Yet dollar figures cannot begin to estimate the true cost of war which includes the lost lives of the 4,077 of our honorable troops who have been killed in Iraq and 501 killed in Afghanistan, the lives of over 1,000,000 Iraqi civilians, and the injury of over 30,000 members of the Armed Forces.

The second amendment sets a goal for the withdrawal of our troops from Iraq. I favor the safe and orderly redeployment of our troops

and this amendment requires that it begin within 30 days. But a nonbinding goal to withdraw our troops within l8 months does not end this war and does not mean that all of our troops will be home within 18 months. This goal amounts to an open-ended invitation to continue this war well into the future. This body has the ability to end the war and bring our troops home simply by refusing to continue funding.

The war, waged under false pretenses, has decimated Iraq. Destruction has permeated most of the country. War has taken a very heavy, very real and very caustic toll. At an absolute minimum, we have a responsibility to rebuild that which we have destroyed. However, amendment number two to the Emergency Supplemental requires Iraq to match U.S. reconstruction funds dollar-for-dollar. The U.S. has waged an illegal war that has torn Iraq to pieces and now this body sees fit to require that Iraq match U.S. funding for reconstruction. This sends a clear signal to the Iraqi people about the U.S. commitment to the health and well-being of the people of Iraq. I cannot support this policy.

The second amendment will also require Iraq to partially finance the cost of fuel for the U.S. military in Iraq. This amounts to stealing from the Iraqi people. The Constitution of Iraq mandates that the petroleum resources of Iraq belong to the Iraqi people. These resources will be needed by Iraq to ensure their future well-being. This body should not establish any requirements related to the oil resources of Iraq.

It is time for this body to stop equivocating. This body must end this war. The American people have asked us to end this war and bring our troops home. We must respond to the will of the American people.

GAS PRICE RELIEF FOR CONSUMERS ACT OF 2008

SPEECH OF

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2008

Mr. ETHERIDGE. Mr. Speaker, I rise this afternoon in strong support of H.R. 6074. Today gas prices are higher than they have ever been at any time in our Nation's history. These prices are causing a ripple effect that is causing the price to rise for even the basic necessities of life for Americans, such as food and electricity. And in States like my home State of North Carolina, where people must travel farther distances to go to work, church, and the grocery store, these prices are making it harder to make ends meet.

This legislation will end the practice of oil producing countries, most notably the Organization of Petroleum Exporting Countries (OPEC), from intentionally suppressing production capabilities to ensure higher profits. This legislation closes a loophole that prevents the U.S. Department of Justice from being able to sue these countries under anti-trust violations. H.R. 6074 will also establish a Justice Department task force that will carefully examine these countries for collusion, gouging, trade manipulation, and other unfair practices. This task force will be required to report their findings annually to the Congress.

Mr. Speaker, for too long these countries have come to rely on a strong U.S. market to sell their product. Today, we are sending the message that they will now have to play by the rules.

I urge my colleagues to vote ''yes'' on H.R. 6074.

H.R. 3221, AMERICAN HOUSING RESCUE AND FORECLOSURE PREVENTION ACT

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Ms. MCCOLLUM of Minnesota. Madam Speaker, I rise today in strong support of the American Housing Rescue and Foreclosure Prevention Act (H.R. 3221) and to Chairman FRANK and Speaker PELOSI for their quick action to help American families.

The United States is facing a housing crisis. Nationally, between 7,000 and 8,000 people a day are filing for foreclosure, and estimates show that over 28,000 Minnesotans will lose their homes to foreclosure in 2008. Foreclosures hurt our families, neighborhoods, and communities. I saw the impact of the foreclosure crisis firsthand when I recently visited the East Side neighborhoods in St. Paul who are hit hard by this crisis. Foreclosures result in reduced property values for neighbors and lost tax revenue for states and local governments, as well as contribute to criminal activity. The high rate of foreclosure also has a substantial spillover effect on financial markets and the broader economy through the loss of jobs.

Congress has a role in protecting families and neighborhoods from an expansion of this crisis, which is why I support the Foreclosure Prevention Act (H.R. 3221). H.R. 3221 is Congress' most comprehensive response yet to address housing affordability and the rising numbers of foreclosures. This legislation will help troubled borrowers avoid foreclosure while minimizing taxpayer exposure. It expands the FHA program so that borrowers in danger of losing their home can refinance into lower-cost government-insured mortgages they can afford to repay. This voluntary program is not a bailout as mortgage investors must take significant losses by reducing the loan principal. This bill also strengthens regulation of Fannie Mae and Freddie Mac, raises the GSE loan limit, and increases homeownership opportunities for our veterans. To increase investment and confidence in the real estate market, this bill also includes tax provisions to aid potential homebuyers. I am pleased to be able to cast a vote for this legislation to help play a part to keep families in their homes.

The U.S. House has also taken action to help our communities deal with the cost of foreclosure. The Neighborhood Stabilization Act (H.R. 5818), of which I am a cosponsor, focuses on the communities that have been hit hardest by foreclosures as many foreclosed homes are currently vacant creating neighborhood blight and bringing down property values. This bill will establish a $15 billion HUD grant providing state and localities with the funds to purchase, rent, or rehabilitate of vacant foreclosed homes with the goal of occupying them as soon as possible.

These housing measures are an important step to help families facing foreclosure keep their homes, help other families avoid foreclosures in the future, and help communities harmed by empty homes in the foreclosure process. The dream of homeownership has become a nightmare for too many people in our community. We need this legislation will help rebuild our neighborhoods and our economy.

H.R. 3221 is an important step in addressing the crisis in the housing market to help families, communities and our economy. I urge my colleagues to support this legislation and move our housing policy in a new direction.

HONORING COUNCILMAN GENE BELMARES

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. CUELLAR. Madam Speaker, I rise today to honor Councilman Gene Belmares, who will be presented with the Liberty Bell Award by the Laredo-Webb County Bar Association on May 9, 2008.

Gene Belmares is the son of a decorated World War II veteran, Ignacio Belmares, and Elvira Belmares. He grew up in Laredo, Texas, and attended United High School and Laredo Junior College. Gene utilized his marketing skills to great effect in his work with some of South Texas's most prestigious companies such as Thomas Petroleum, Arguindegui Oil, and WestWind Homes. Gene is now enjoying his work with the marketing and sales team at the famous La Posada Hotel, one of the oldest hotels in South Texas that is leading the revitalization of downtown Laredo.

Councilman Belmares was elected to the Laredo City Council in 2002, and is seated on the Metropolitan Planning Organization, Water Issues, Sports Venue, and Legislative Committees. He is currently serving as Mayor Pro Tempore, and is responsible for the unprecedented fiscal growth of the City of Laredo for the last six years through his work on landmark ordinances and legacy projects. Councilman Belmares also has admirably served the community of Laredo, Texas, through his civic work with the March of Dimes, Muscular Dystrophy, and the American Cancer Society. He enjoys coaching the Gateway Girls Softball League, and the Boys and Girls Club flag football.

Councilman Belmares is a truly deserving recipient of the Liberty Bell Award, which is given out annually by the Laredo-Webb County Bar Association to those who have demonstrated exemplary community service, and contributed to good governance in the community.

Madam Speaker, I am honored to have had this time to recognize the dedication of Councilman Belmares to the City of Laredo, and I thank you for this time.

SUPPLEMENTAL APPROPRIATIONS ACT, 2008

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 2008

Mrs. MALONEY of New York. Mr. Speaker, today the House is considering three amendments to fund the war in Iraq, enact important policies regarding the war in Iraq, and meet critical domestic needs. I will support two of these amendments.

The American people want this wrongheaded war in Iraq to come to an end. More than 4,000 soldiers have lost their lives and billions of dollars have been spent. Yet this Administration insists on staying the course.

I will not support the amendment that would provide nearly $163 billion through next summer to fund the wars in Iraq and Afghanistan. While I believe that our efforts in Afghanistan are necessary and have not received sufficient attention or resources since the start of the war in Iraq, I cannot support devoting billions of dollars to a failed policy in Iraq, particularly when we are facing significant economic problems here at home.

However, I strongly support the amendment that would enact several necessary policies regarding the war in Iraq including the complete withdrawal of American troops from Iraq by December 2009, ensuring congressional approval of any treaties between the United States and Iraq, no permanent bases in Iraq, and prohibiting torture techniques not authorized in the Army Field Manual. I hope that the final bill sent to the President will include these important provisions.

Finally, I am pleased to support the amendment that will expand benefits for veterans, provide, food, disaster, and refugee assistance, help strengthen levees in Louisiana, enact contracting reforms, and extend unemployment benefits in all states for 13 weeks and in some states, an additional 13 weeks. We must continue to do all that we can to help those Americans who are looking for employment in these difficult economic times.

I want to thank Chairman OBEY and Chairman MOLLOHAN for the inclusion of $210 million in funding for the Census Bureau. This is a welcome first step in repairing the mismanagement of the 2010 Census planning process by the Bush Administration, and it is a responsible action by this Congress.

Full and fair representation is a fundamental building block of our democracy, and it is imperative that we guarantee every American is counted. While this funding is a critical first step, we must continue to hold this Administration accountable and restore the American people's confidence in our ability to fulfill this Constitutional mandate.

I urge my colleagues to join me in opposing additional funding for the war in Iraq so that we send the President the message he needs to hear: bring the troops home now.

INTRODUCTION OF THE RESOLUTION TO REPLACE THE ASHCROFT FBI GUIDELINES WITH THE LEVI FBI GUIDELINES

HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. SCOTT of Virginia. Madam Speaker, May 30th, 2002 Attorney General John Ashcroft changed the guidelines established by Attorney General Edward Levi in 1976 to curb abuses by the Federal Bureau of Investigations (FBI), following revelations of an FBI ''enemies list'' in the wake of the Watergate scandal.

The Levi Guidelines were adopted after the Church Committee found that the FBI had developed over 500,000 domestic intelligence files on Americans and domestic groups and had clearly targeted investigations to disrupt the efforts of dissenters. This famed Committee detailed the disturbing extent to which the FBI had spied on Americans such as Dr. Martin Luther King, Jr., former Navy officer Father Roy Bourgeois, and Holocaust survivor and grandmother Edith Bell, all of whom were peaceful protestors and advocates for their beliefs.

While the Levi guidelines ensured there was a justifiable criminal investigation and supervision of such investigations, the Ashcroft Guidelines have enabled the FBI to investigate groups and individuals whether or not there was evidence of criminal activity. The Levi Guidelines required that limited FBI investigations be instigated by facts or circumstances that reasonably indicate a federal crime has been, is being or will be committed. Under the Ashcroft Guidelines, we have even seen college students endure taxpayer funded FBI interrogations and investigations for simply placing irreverent posters up in their college communities. In one case, the FBI resorted to grilling a North Carolina college student about ''un-American materials'' in her apartment, such as a poster of George W. Bush holding a noose. It read, ''We hang on your every word.'' While some may argue this is not in good taste, it is far from a potential act of terrorism.

The Ashcroft Guidelines have allowed the FBI to attend and begin to track those present in every public meeting, at every demonstration and visiting all internet chat rooms. Americans need to be able to meet and debate without fear that their associations and dissent will end up in an FBI database at every turn. By severing the tie between evidence of crime and initial FBI surveillance, the Ashcroft Guidelines fundamentally alter the role of the FBI in our society and ignore the very basis for adoption of the original Levi Guidelines.

My Resolution is simple. It calls on Congress to reinstate the Levi guidelines which provide better protections for ordinary Americans from unwarranted, domestic FBI spying, on this, the 6-year anniversary of the eradication of such critical guidelines. This will end domestic spying such as that documented by the Church Committee report, where there is no evidence of criminal activity, while ensuring that the FBI can investigate anyone as long as there is a rational basis for doing so.

For these reasons, I urge my colleagues to support this resolution urging that the Ashcroft Guidelines be replaced with a return to the Levi Guidelines.

EARMARK DECLARATION

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. SMITH of Texas. Madam Speaker, I submit the following:

Requesting Member: Congressman LAMAR SMITH.

Bill Number: H.R. 5658.

Account: Department of Defense, Army RDT&E (R–1 Line #30).

Legal Name of Requesting Entity: The University of Texas Health Science Center at San Antonio.

Address of Requesting Entity: 7703 Floyd Curl Drive, San Antonio, TX 78229–3900.

Description of Request: The requested funds will be used to: Establish the National Center for Trauma Research, which will be the primary site for trauma research in the US; this will be accomplished through federal and non-federal funding; expand clinical research that benefits the nation's civilian and military trauma patient population, focusing on survival rates, pre-hospital interventions and surgical techniques; potential studies include wound healing, hemorrhage control with dressing, traumatic brain injury; establish telecommunications technology that connects the three trauma centers and Burn Center, necessary to coordinate disaster/bioterrorism response and also useful on a daily basis so that medical education opportunities at any facility are available across our system; develop a regional ICU Registry to parallel the current Regional Trauma Registry; coupling the data available in both allows researchers to study the entire patient episode, from pre-hospital to discharge and outcome; and support the infrastructure needed to accomplish these goals, given that during the same period new revenue streams from physician fee-for-service billing will partially replace the need for federal funding. NTI is directly leading to better care for combat casualties. Today military surgeons and nurses are continuing to be trained at NTI facilities prior to their deployment in Iraq and Afghanistan. Over 550 critically burned soldiers have been treated in San Antonio. The NTI is playing a critical role in our nation's battlefield medical response effort and helping to improve outcomes for these brave men and women.

SLAIN LAW ENFORCEMENT OFFICER STAMP ACT

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. FILNER. Madam Speaker, my colleagues, and I rise today to speak about a concurrent resolution that I have just introduced that recognizes the service and sacrifice of our law enforcement officers killed in the line of duty.

My legislation would express the sense of Congress that a stamp. called the Law Enforcement Officers Memorial Stamp, should be

issued to honor law enforcement officers killed in the line of duty.

On average, a law enforcement officer is killed in America every other day. Since 1794, when recordkeeping started, more than 17,900 officers have lost their lives in service to their communities. In 2007, 186 officers were killed in the line of duty, an increase of more than 28 percent from the year prior.

Too many police officers are killed or injured in the line of duty every day and this legislation is a way to thank those who put their lives in danger every time they put on their uniforms. I am proud to sponsor such worthy legislation.

I invite my colleagues to join with me in commending our law enforcement officers. It is extremely important that we honor these everyday heroes! Please join me in supporting H. Con. Res. 356.

EARMARK DECLARATION

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. TIAHRT. Madam Speaker, I submit the following: H.R. 5658, The Duncan Hunter National Defense Authorization Act of Fiscal Year 2009, contains $7,412,000 for MXG Consolidation and Forward Logistic Center, Phase 2 in the Air Force, Military Construction account. This project is for McConnell Air Force Base located 57837 Coffeyville St., Kansas, 67221. The funds will help complete phase two of the Maintenance Group (MXG) Consolidation and Forward Logistics Center that will streamline many different facilities into one maintenance facility, resulting in improved military operations and saving taxpayer dollars by reducing operations and maintenance spending. No matching funds are required for this military construction project.

EARMARK DECLARATION

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. HOBSON. Madam Speaker, in accordance with the February 2008 New Republican Earmark Standards Guidance, I submit the following:

Requesting Member: Congressman DAVID L. HOBSON.

Bill Number: H.R. 5658.

Provision: Division B, Title XXVI, Section 2604.

Legal Name of Requesting Entity: Ohio National Guard.

Address of Requesting Entity: 2825 West Dublin-Granville Road, Columbus, Ohio 43235–2789.

Description of Request: Provide an earmark of $12,793.00 to authorize acceleration of construction of a facility to relocate the Ohio Air National Guard's 269th Combat Communications Squadron and 251st Combat Communications Group to another part of the Springfield, Ohio, Air National Guard Base. The current 25-year-old facility is obsolete and places severe restrictions on the ability to perform equipment maintenance and conduct training operations. It does not comply with existing codes and has excessive operations and maintenance costs. The current building can be reused for other functions but cannot be made functionally adequate for the communications mission.

EARMARK DECLARATION

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. DOOLITTLE. Madam Speaker, I submit the following:

Requesting Member: Representative JOHN T. DOOLITTLE.

Bill Number: H.R. 5658.

Account: Air Force—RDT&E, AEROSPACE PROPULSION.

Legal Name of Requesting Entity: Aerojet-General Corp.

Address of Requesting Entity: Highway 50 & Aerojet Rd., Rancho Cordova, CA 95742.

Description of Request: An increase of $3,000,000 for Air Force RDTE Line Aerospace Propulsion for Hydrocarbon Boost Technology Demonstrator. The Air Force Research Laboratory (AFRL, Edwards AFB) has initiated a Hydrocarbon Boost Technology Demonstrator program to provide the United States with a liquid hydrocarbon rocket engine to power the next generation of launch vehicles for assured access of critical national security payloads. Instead of a hydrocarbon fuel, most American liquid engines in large thrust classes use liquid oxygen and hydrogen propellants. Cryogenic hydrogen is costly to produce. It is also difficult to work with compared to hydrocarbon fuels due to its extremely low storage temperature requirement and launch operations safety concerns. Furthermore, the propellant properties and very cold temperatures reduce the life of the materials involved and make low cost, rapid turnaround reusable applications nearly impossible. Hydrocarbon liquid rocket engines ultimately derived from the advanced technology developed and demonstrated in the Hydrocarbon Booster Technology Demonstrator program will not only provide the highest performing hydrocarbon engines ever developed in the United States, but also will provide higher operability, lower costs and greater safety with higher reliability than any liquid booster engine ever made in the U.S. and perhaps the world. The funding would be used for Ox Rich Preburner and Turbopump concept designs.

EARMARK DECLARATION

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. MCKEON. Madam Speaker, I submit the following:

Requesting Member: Congressman HOWARD "BUCK" MCKEON.

Bill Number: H.R. 5658—The National Defense Authorization Act for Fiscal Year 2009.

Account: Operations and Maintenance, Air Force.

Legal Name of Requesting Entity: Edwards Air Force Base.

Address of Requesting Entity: Edwards AFB, CA 93524.

Description of Request: At my request, a project authorization for $700,000 is included in the National Defense Authorization bill for FY 2009 to make several sites managed by Edwards Air Force Base safe. Several isolated range tracking sites located near Edwards Air Force Base (EAFB), including Site T–6, A–11, and A–12 as well as the Ely, NV, Radar Site, have become attractive nuisances provoking unauthorized civilian entry onto the sites. Foundations and shelters at the site have been the target of graffiti. Shell & shotgun casings are found lying on the ground in large numbers. The extent to which hazardous materials, such as Asbestos Containing Materials (ACM) and lead-based paint may have been used in the construction of these facilities is not known. EAFB requires the continued use of T–6, A–11, and A–12 sites. This portion of the project will construct approximately 8,500 LF of chain link fence, 6-feet high with 3-strand barb wire outriggers, with lockable gates to prevent unauthorized entries into each of the sites. Additionally, an EAFB-owned radar site near Ely, Nevada (known as Ely Radio Annex), is no longer used and this project will demolish 5 buildings totaling approximately 7,500 SF, including their foundation slabs, an antenna tower, several concrete pads and fixtures, including transformers, guard rails, vaults, tank supports, power poles, stairs, fencing, and antenna pads.

Requesting Member: Congressman HOWARD "BUCK" MCKEON.

Bill Number: H.R. 5658—The National Defense Authorization Act for Fiscal Year 2009.

Account: Research Development Test and Evaluation, Air Force.

Legal Name of Requesting Entity: Advatech Pacific, Inc.

Address of Requesting Entity: 950 E. Palmdale Blvd., Suite C, Palmdale, CA 93550.

Description of Request: At my request, a project authorization for $3,000,000 is included in the National Defense Authorization bill for FY 2009. The funds will be used for the continued operation of the Advanced Vehicle Propulsion Center (AVPC), which provides the Air Force with a unique, world-class engineering modeling and simulation environment for analysis and engineering of current and future space vehicles, missiles, and advanced weapon concepts. The AVPC leverages and integrates the best engineering, analysis, and cost tools from government, industry, and academia. The AVPC directly supports analyses of alternatives, the fundamental first step in the formal DOD weapon systems acquisition process and plays a key role directly supporting the following Air Force Research Laboratory programs at Edwards Air Force Base: Prompt Global Strike, Common Aero Vehicle, Operationally Responsive Space for strategic and tactical commanders, and Conventional Ballistic Missile. AVPCs detailed technical engineering analysis also provides cost versus risk trade-off analysis across missions, systems, operations, and infrastructures.

Requesting Member: Congressman HOWARD "BUCK" MCKEON.

Bill Number: H.R. 5658—The National Defense Authorization Act for Fiscal Year 2009.

Account: Research Development Test and Evaluation, Air Force.

Legal Name of Requesting Entity: Northrop Grumman Corporation.

Address of Requesting Entity: 1840 Century Park East, Los Angeles, CA 90067.

Description of Request: At my request, a project authorization for $10,300,000 is included in the National Defense Authorization bill or FY2009 for Moving Target Kill/Small Diameter Bomb (MTK/SDB II) integration on the B–2 to enhance the B–2's ability to dynamically and precisely engage mobile targets deep in hostile territory. The current Air Force Integrated Capability Requirements and Risk Assessment (I–CRRA) identified the need to improve joint, collaborative operations capabilities to effectively engage a wide range of high-threat targets: Chemical, Biological, Radiological, Nuclear, and Explosive (CBRNE) targets, moving and relocatable targets, underground targets, and air defense targets. This additional funding will address many of these critical needs. Approximately $2,000,000 is intended for UAI Design Architecture; $2,000,000 for MDU–R CDR; $4,300,000M for MDU–R Prototype #2; and $2,000,000 for Displays System Requirements.

Requesting Member: Congressman Howard ''Buck'' McKeon.

Bill Number: H.R. 5658—The National Defense Authorization Act for Fiscal Year 2009.

Account: Research Development Test and Evaluation, Air Force.

Legal Name of Requesting Entity: Aerojet-General Corporation.

Address of Requesting Entity: P.O. Box 13222, Sacramento, CA 95813–6000, USA.

Description of Request: At my request, a project authorization for $3,000,000 is included in the National Defense Authorization bill for FY2009 to return the Hydrocarbon Boost Technology Demonstrator program to its initial programmed funding level. This critical, next-generation liquid rocket engine development effort run by the Air Force Research Laboratory at Edwards AFB will not only provide the highest performing hydrocarbon engines ever developed in the United States, but also will provide higher operability, lower costs and greater safety with higher reliability than any liquid booster engine ever made in the U.S. and perhaps the world. Since the federal government is the primary end-user, it is logical that federal funding support the initiative. While a match is not required, during the past eight years, Aerojet has invested approximately $30 million in internal research and development funding on this technology and intends continued support in FY09.

Requesting Member: Congressman HOWARD ''BUCK'' MCKEON.

Bill Number: H.R. 5658—The National Defense Authorization Act for Fiscal Year 2009.

Account: Research Development Test and Evaluation, Army.

Legal Name of Requesting Entity: Pacific Scientific Energetic Materials Company.

Address of Requesting Entity: 24908 Avenue Kearney, Valencia, CA 91355, USA.

Description of Request: At my request, a project authorization for $2,500,000 is included in the National Defense Authorization bill for FY2009 to develop a MIL–STD–1901A–compliant Micro Arm Fire Device for DoD Rocket Systems, which will significantly improve the safety, reliability and performance of rocket, missile, and pyrotechnic arming and fuzing systems for the Department of Defense. Approximately $800,000 is intended for design and engineering; $400,000 for materials; $700,000 for manufacturing and assembly and $600,000 for qualification and environmental testing. The Army has determined that there is a federal interest in micro arm fire devices to increase the safety of DoD rockets, missiles, munitions and pyrotechnics. This request is consistent with the intended and authorized purpose of the Army Research, Development, Testing and Evaluation account. This is the first year funding will be needed to advance the technology. Pacific Scientific Energetic Materials Company has provided $500,000 of internal R&D funds for this technology.

Requesting Member: Congressman HOWARD ''BUCK'' MCKEON.

Bill Number: H.R. 5658—The National Defense Authorization Act for Fiscal Year 2009.

Account: Research Development Test and Evaluation, Army.

Legal Name of Requesting Entity: Curtiss-Wright Controls Embedded Computing.

Address of Requesting Entity: 28965 Avenue Penn, Santa Clarita, CA, 91355 USA.

Description of Request: At my request, a project authorization for $4,800,000 is included in the National Defense Authorization bill for FY2009 to develop a Common Ground Combat System electronic architecture prototype which will include replacement of legacy military standard based data-bus components with modem commercial standards based network centric capable components, the consolidation of obsolete electronic subsystems into common electronic modules and assemblies providing greatly reduced space, weight, and power consumption and the implementation of a two-level maintenance approach using newly standardized commercial electronic module technology. Approximately $100,000 is intended to be spent on program management, $300,000 is for an electronics obsolescence study, $350,000 is for an electronics commonality study, $1,000,000 is for a design concept development, $2,600,000 is for design concept demonstrators, and $450,000 is for a heavy brigade combat team Modular Open Systems Approach (MOSA) application report. The advantage of this approach to the Department of the Army is an evolutionary capability migration allowing the Future Force to operate with the current force. This project can be completed in FY09.

Requesting Member: Congressman HOWARD ''BUCK'' MCKEON.

Bill Number: H.R. 5658—The National Defense Authorization Act for Fiscal Year 2009.

Account: Research Development Test and Evaluation, Navy.

Legal Name of Requesting Entity: Aerojet-General Corporation.

Address of Requesting Entity: P.O. Box 13222, Sacramento, CA 95813–6000.

Description of Request: At my request, a project authorization for $2,500,000 is included in the National Defense Authorization bill for FY2009 to fund the risk reduction necessary following a successful test flight of the High Speed Anti-Radiation Demonstration (HSAD). Specifically, approximately $1,000.000 will be spent for Navy program management, $800,000 for tactical missile component design development and analysis, $2,450,000 for lightweight ramjet engine component testing, $750,000 for ramjet engine safety engineering and analysis, $600,000 for the guidance system conceptual design, and $400,000 for operational analysis. The basic HSAD program focuses on demonstrating the feasibility and viability of using variable flow ducted rocket propulsion technology for the propulsion portion of planned advanced weapon systems. This request is consistent with the intended and authorized purpose of the account and the project is under the direction of the Naval Air Warfare Center.

Requesting Member: Congressman HOWARD ''BUCK'' MCKEON.

Bill Number: H.R. 5658—The National Defense Authorization Act for Fiscal Year 2009.

Account: Military Construction.

Legal Name of Requesting Entity: Edwards Air Force Base.

Address of Requesting Entity: Edwards AFB, CA 93524.

Description of Request: At my request, a project authorization for $6,000,000 is included in the National Defense Authorization bill for FY09 to fund the replacement of the main base runway at Edwards Air Force Base. The runway, which supports almost every flight operation at Edwards is over 50 years old and is rapidly degrading as a result of Alkali-Silica Reaction (ASR), a reaction between the cement and the aggregate that creates map cracking, scaling and spalling of the concrete, Increased sweeper operations and Foreign Object Damage (FOD) walks are necessary to eliminate concrete chunks several inches across that are routinely discovered. Emergency FOD repairs have forced runway closures affecting 10 to 15 flights for each closure. Pavement Condition Index (PCI) numbers are dropping rapidly, which is indicative of pavements nearing the end of their useful life. The runway will soon fail functionally and will no longer be safe for aircraft operations. In early FY03 the runway was evaluated by a tri-service team of experts who rated the pavement condition along the centerline as marginal, with portions predicted to be unsatisfactory within the next year. Functional failure of the runway is expected in 2008. No other runways at Edwards AFB can safely support the current and projected test operations without significant test mission delays. Temporary relocation of these missions is not feasible. However, many of the current and planned test missions can be supported by a temporary runway.

This project was programmed in 2003 for FY06, and was incrementally funded over 3 years (FY06, FY07 and FY08). After the project was programmed, the cost of construction materials escalated dramatically, eliminating all management reserve, and resulted in a reduction in the planned scope of the project. In FY08 Congress increased the funding for the project by $8,500,000; however, this was not enough to account for a completely unforeseeable increase in number and extent of site conditions. In particular, over 730 drums containing a ''tar-like'' substance had to be disposed of as hazardous waste and over 41,000 cubic yards of both unsuitable and unstable soil had to be stabilized. A final project phase has been created to complete the remaining work, and this phase has a programmed cost of $6,000,000. Funding for this phase in FY09 will avoid contractor demobilization and remobilization, and will avoid reconstitution of the temporary runway to support this work. This alone saves the government over $4,000,000 in cost avoidance.

EARMARK DECLARATION

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. ROGERS of Michigan. Madam Speaker, I rise today to share with the House of Representatives two high priority projects included at my request in H.R. 5658, the National Defense Authorization Act for Fiscal Year 2009.

Requesting Member: Congressman MIKE ROGERS (MI–08).

Bill Number: H.R. 5685.

Account: Other Procurement—Navy, Line: Aviation Support Equipment—Aviation Support Equipment Equipment—Aviation Life Support (P–1 Line 97).

Legal Name of Requesting Entity: Peckham Industries.

Address of Requesting Entity: 2822 N. Martin Luther King Blvd., Lansing, MI 48906.

Description of Request: Provide $8,000,000 to fund procurement of approximately 8,000 sets of the Multi Climate Protection System (MCPS) for U.S. Navy Aircrews. Approximately $3.4 million will be spent on garment production, $4.2 million on materials, and $0.4 million on quality control/fielding. The total requirement for the U.S. Navy for MCPS is 25,000 systems. Between FY 2004 and FY 2007, the Navy and Congress have provided enough funding for fielding of only 25% of the required systems. In FY 2008, Congress allocated $2 million for the program. In FY 2007 the House and Senate Armed Services Committees addressed the need for MCPS in their authorization bills. The House authorization text reads, ''The committee strongly encourages the Department of the Navy to include the necessary funds for the MCPS in its future budget requests to meet MCPS requirements.''

Requesting Member: Congressman MIKE ROGERS (MI–08).

Bill Number: H.R. 5658.

Account: Operations and Maintenance, (BA 01: Operating Forces).

Legal Name of Requesting Entity: Peckham Industries.

Address of Requesting Entity: 2822 N. Martin Luther King Blvd., Lansing, MI 48906

Description of Request: Provide $4,000,000 to fund procurement of approximately 35,000 sets of Cold Weather Layering System (CWLS) for the U.S. Marines. Approximately $2 million will be spent on garment production, $1.6 million on materials, $0.4 million on quality control/fielding. In direct response to the U.S. Marine Corps' unique combat needs, a Polartec Power Dry Silkweight and Polartec Power Dry Grid with flame resistant properties for use in the CWLS is currently in development. Roadside bombs kill or wound more troops than any other weapon in Iraq, having killed more than 1,200 U.S. service members to date. The heat and flame produced by roadside bombs presents a significant burn threat, and the USMC has called for the use of flame resistant textiles to maintain safety in harsh combat conditions.

EARMARK DECLARATION

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. YOUNG of Florida. Madam Speaker, I submit the following: Requesting Member: Congressman C.W. BILL YOUNG.

Bill Number: H.R. 5658.

Account: Military Construction, Army National Guard.

Legal Name of Requesting Entity: Florida Army National Guard.

Address of Requesting Entity: 400 S. Monroe Street, Tallahassee, Florida 32399.

Description of Request: Provide an earmark of $20,907,000 for construction of Phase IV of the Regional Training Institute (RTI), Project Number 120191, located at Camp Blanding, Starke, Florida 32091. It is my understanding that the Florida Army National Guard (FLARNG) and Army National Guard readiness will be affected if the school cannot adequately accomplish its mission to educate and train soldiers. This final phase will finish construction of the remaining 65,000 square feet of billeting, all remaining infrastructure, supporting facilities, and all necessary work not completed in the prior phases to support and house students attending the courses at the training institute.

MENTAL HEALTH MONTH

SPEECH OF

HON. JOHN CONYERS JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2008

Mr. CONYERS. Mr. Speaker, I rise to voice my strong support for H. Res. 1134, supporting the goals and ideals of Mental Health Month. This legislation applauds the hard work of practitioners and national and community organizations in promoting mental health awareness, and supports improving the overall quality of life for those with mental illness. H. Res. 1134 also supports the findings of the President's Commission on Mental Health that the nation's failure to prioritize mental health is a national tragedy.

Mr. Speaker, mental health is no less important than physical health. In fact, as science is proving, mental health and physical health are intertwined in complex ways that are only beginning to be understood. The relationship between depression and heart disease is just one example of the inherent symbiosis of psychiatric and somatic illnesses.

Just as the heart is the organ upon which heart disease preys, the brain is the organ plagued by diseases of the mind. Likewise, death as a result of suicide is no less tragic than death secondary to a heart attack. Those suffering from severe psychiatric illness should not be held to a lesser standard of care than those suffering from physical illnesses.

Ensuring access to appropriate services is central to improving the quality of life for those with mental illness. The issue of mental health insurance parity, in my opinion, is a civil rights issue. Inequity of coverage with regard to mental health and substance abuse treatment benefits is tantamount to discrimination against the mentally ill, and it reinforces the strategy of insurance companies to deny care rather than provide care.

The mental health community scored a victory for its patients earlier this year when the House voted to pass H.R. 1424, the ''Paul Wellstone Mental Health and Addiction Equity Act of 2007.''

It has taken courage on the part of Congressmen like my colleague PATRICK KENNEDY to stand up to special interests and ''do the right thing'' when it comes to ending discrimination against the mentally ill and standing up to health insurance companies. There is still work to be done before a mental health insurance parity bill is signed into law. Hopefully, the bill will soon be reconciled into a form which will benefit psychiatric patients and end discrimination against the mentally ill.

Mr. Speaker, let us applaud the tireless work and unending determination of those fighting to improve the lives of the mentally ill. Let us also be reminded that there is much work to be done before the stigma associated with mental illness is ended, and the lives of those suffering from mental illness are valued as much as those suffering from other medical illnesses.

EARMARK DECLARATION

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. KINGSTON. Madam Speaker, I submit the following:

Requesting Member: Congressman JACK KINGSTON (1–GA)

Bill Number: H.R. 5658

Account: MILCON, Navy

Legal Name of Requesting Entity: Naval Submarine Base Kings Bay

Address of Requesting Entity: NSB Kings Bay, Kings Bay, GA, USA

Description of Request: Provide $6.37 million to construct a 5,000 square feet Communication Addition to the Limited Area Reaction Force Facility in support of the National Weapons Security Program. This high security facility will serve as a command and control center, exercise and recreation spaces, and extended housing for United States Marines and Navy personnel while on duty. This project will provide required ballistic protection for security forces and vehicles as well as the monitoring of perimeter sensors.

EARMARK DECLARATION

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. EHLERS. Madam Speaker, I submit the following:

Requesting Member: Congressman VERNON J. EHLERS

Bill Number: H.R. 5658

Account: Ap,A Aircraft Procurement, Army; 020 Utility Helicopter Mods

Legal Name of Requesting Entity: Army National Guard Readiness Center

Address of Requesting Entity: 111 S. George Mason Drive, Arlington, VA, 22204

Description of Request: Provide an earmark of $5 million for helicopter modernization. The UH–60 Black Hawk helicopter is an essential capability of the National Guard. It provides units in every State with a multi-mission aircraft for search & rescue, utility lift, disaster relief and medical evacuation. The Army National Guard (ARNG) is authorized 782 Black Hawk aircraft, but is short of this authorization by almost 100 aircraft. This shortage requires ARNG units to loan or transfer Black Hawks in support deployments, training or State missions, resulting in a higher usage rate of available airframes. Additionally, more than 500 of the 782 National Guard aircraft are older UH–60A models, with an average age of approximately 25 years. The Army is procuring over 1,200 UH–60M Black Hawks for utility, special operations and MEDEVAC missions to replace the aging UH–60A from operational units by 2016. The Army acquired 33 UH–60M Black Hawks by the end of FY07, and from FY09 to FY13, the Army plans to procure an additional 300 UH–60M Black Hawks (70 of those aircraft are programmed for ARNG units). However, without an accelerated procurement of the UH–60M, the Army National Guard will be operating more than 400 UH–60A helicopters beyond 2020. The ARNG and the Active Army developed a program to support the continued modernization of the ARNG Black Hawk fleet. Unfortunately, this program is not fully funded. The ARNG plan is to accelerate the fielding of UH–60M Black Hawks by 10 aircraft per year. Although the Active Army has programmed UH–60A recapitalization for the ARNG with Operations and Maintenance (O&M) funds, which includes an airframe life extension, fleet-wide product improvements and the replacement of components, the UH–60A to L upgrade is not funded. The UH–60L Black Hawk is more economical to operate and has 1,000 lbs. of additional lift than the UH–60A. The desired rate of UH–60A to L upgrades is 38 per year. Funding the UH–60A to L upgrade will significantly improve the Black Hawk fleet, and assure that ARNG units are ready, deployable, and available to protect our national interests both abroad and at home. This ARNG aviation initiative has been identified by the Chief of the National Guard Bureau (CNGB) as FY09 ''Essential 10—Top 25'' unfunded priorities.

EARMARK DECLARATION

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. SMITH of Texas. Madam Speaker, I submit the following:

Requesting Member: Congressman LAMAR SMITH.

Bill Number: H.R. 5658.

Account: Department of Defense, Air Force RDT&E (R–1 Line #8), 0602102F Materials.

Legal Name of Requesting Entity: The University of Texas at Austin.

Address of Requesting Entity: 1 University Station C2200, Austin, TX 78712.

Description of Request: The requested funds will be used to establish a research and educational program for enhancing U.S. competitiveness in Intelligent Manufacturing. Intelligent Manufacturing requires the integration of physics based models, state-of-the-art analysis and control, and advanced materials to develop the next generation of manufacturing processes and systems. The initial thrust will be on small lot and rapid response intelligent manufacturing that is critical to national defense, infrastructure, energy, medical products and other key areas of the U.S. manufacturing base. This project will increase the manpower, manufacturing technology, and know-how available to support quick response, high-technology precision manufacturing and will provide an important competitive advantage for U.S. producers using Intelligent Manufacturing. Texas and Ohio rank 2nd and 3rd in terms of manufacturing jobs in the U.S., with the three states employing 23 percent of the total U.S. manufacturing workforce. Many key defense industries are located in these states and all three campuses have strong ties to the defense laboratories, defense manufacturing, and critical commercial manufacturing entities (aerospace, electronics, energy, and others).

EARMARK DECLARATION

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. AKIN. Madam Speaker, in accordance with House Republican Conference standards, and Clause 9 of Rule XXI, I submit the following member requests for the record regarding H.R. 5658, the National Defense Authorization Act of 2009.

Project: C–17A Globernaster aircraft

Account: Aircraft Procurement, Air Force

Legal Name of Requesting Entity: The Boeing Company

Address of Requesting Entity: 1200 Wilson Blvd, Arlington, VA 22209

Description of Request: Per Air Force Unfunded Priority List (UPL) #6, C–17 (+15 aircraft), $3.9B. procures 15 C–17s, keeping only active strategic airlift production line open. The C–17 is the world's most effective and flexible strategic/tactical airlifter. The C–17 has revolutionized the movement of troops and equipment into battle by allowing their delivery to parts of the world that was previously not accessible by conventional airlifters. Additional C–I7s are essential to the warfighter.

Project: Hyperspectral Imaging for Improved Force Protection (HYPER-IFP)

Account: Army RDT&E, (CERDEC, NVESD, Special Projects)

Legal Name of Requesting Entity: Clean Earth Technologies, LLC.

Address of Requesting Entity: 13378 Lakefront Drive, Earth City, MO, USA

Description of Request: Provide $5,400,000 to complete the design, assembly, integration, test and evaluation of the Hyperspectral Integrated Force Protection sensor system (Hyper-IFP). Approximately 40% will be used for engineering development modeling and simulation; 30% will be used for subsystems assembly and testing; 15% will be used for system integration and ground testing; 15% will be used for a deployed full system field test and evaluation. The request is consistent with the Army NVESD Special Projects office mission to develop advanced sensor systems that provide an operational advantage or that increase survivability of the warfighter. Taxpayer value is substantially enhanced by dual/multi use capacity to serve a number of Homeland Security (DHS) missions in addition to military force protection.

Project: Short Range Ballistic Missile Defense

Account: Defensewide RDT&E

Legal Name of Requesting Entity: LaBarge Corporation

Address of Requesting Entity: 9900 Clayton Road, St. Louis, Missouri 63124

Description of Request: $10M over the President's request of $44.9M to allow the program to get back on track for its planned 2010 IOC which will ensure US troops are protected as quickly as possible against the short range ballistic missile threat. This funding will allow the development team to accelerate design. development and testing that was lost due to past funding cuts; and will initiate concept development and risk reduction efforts to integrate the weapon into existing Army anti-missile systems. This request is consistent with the intended and authorized purpose of the Defensewide RDT&E account.

Project: Heuristic Internet Protocol Packet Inspection Engine

Account: Army, RDT&E.

Legal Name of Requesting Entity: TechGuard Security, LLC.

Address of Requesting Entity: 743 Spirit 40 Park Drive, Chesterfield, MO 63005.

Description of Request: $3.5 million solely for the research, development and test of Heuristic Internet Protocol Packet Inspection Engine (HIPPIE). The advanced concept HIPPIE technology can be rapidly prototyped and deployed in a filtering appliance that sits in front of an existing firewall or router, and uses unique filtering algorithms to quickly classify large numbers of packets—i.e., the country of origin for an IP address—without using slow and CPU intensive rule sets. The objective of the program is to miniaturize the HIPPIE through the use of nanotechnology to the point where it can be placed on a chip and placed directly on a computer for offensive or defensive cyber warfare use.

Project: Mission Execution Technology Implementation.

Account: Army, RDT&E.

Legal Name of Requesting Entity: Westar Aerospace & Defense Group, Inc.

Address of Requesting Entity: 36 Research Park Court, St. Charles MO 63304, U.S.A.

Description of Request: Provide $10,000,000 for technology improvements urgently needed by combat units in Operation Enduring Freedom and Operation Iraqi Freedom. This program will result in significant increases in mission effectiveness and safety for our war-fighters. Funding is required to continue development of enterprise-enabled, integrated Aviation tools and provide this ability to all Army Aviation systems to include UH–60 series, OH–58D, AH–64D, Fixed Wing and UAS systems. The complete integrated aviation solution includes implementing the automated maintenance test flight tool, automated weight and balance software, and integration with current logistics and Aviation Mission Planning systems. The Aviation community has consistently requested an enhanced, fully Automated Maintenance Test Flight Tool for in-cockpit use, eliminating manual and repetitive Maintenance Test Pilot tasks and significantly reducing the labor required to return aircraft to full service. This solution would also

fulfill the Army directive for a paperless system, storing the maintenance test flight checksheets into the Common Logistics Operating Environment, eliminating the paper form. Improved integration of automated weight and balance tools with the CLOE and the Aviation System of System infrastructure is critical, eliminating error-prone manual entries and expanding aircraft flight envelopes by eliminating manual lookup and interpolation of paper performance charts. The amount of time in calculating and recalculating loads during OPTEMPO will be greatly reduced from hours to mere minutes. This effort will include the application of commercial Aviation best-practices to data and data processes in support of air worthiness, and the development of processes to support air worthiness assessments of unmanned aircraft systems (UAS). Air-worthiness of UAS will improve safety in training and combat operations as well as permit the routine use of these critical capabilities within national airspace during natural disasters and homeland defense operations.

Project: Ultra-Wideband Reactive Waveform Modulator.

Account: Army RDT&E.

Legal Name of Requesting Entity: X–COM Systems, LLC.

Address of Requesting Entity: 106 North College Avenue, Warrensburg, MO 64093.

Description of Request: $1.5M to support the development and testing of an ultra-wideband reactive waveform modulator (UWB–RWM) for IED countermeasures at the Intelligence & Information Warfare Directorate (12WD), Fort Monmouth, NJ. The UWB–RWM will be a COTS solution designed to support and transition into current Joint Counter Radio Controlled Improvised Explosive Device Electronic Warfare (JCREW) efforts. By providing a significant performance improvement over currently available technology, the UWB–RWM's adaptability and scalahility will facilitate a future-proof capability for transmitting ever-evolving IED defeat waveforms of increasing complexity.

CONFERENCE REPORT ON H.R. 2419, FOOD, CONSERVATION, AND ENERGY ACT OF 2008

SPEECH OF

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 2008

Mr. TIAHRT. Mr. Speaker, I rise today to offer my reluctant opposition to the Food and Energy Security Act of 2007. This legislation is a real mixed bag for Kansas farmers. While there are many provisions that will benefit them, it contains many provisions that I believe will hurt them in the long run.

The latest information from the Congressional Budget Office indicates that this bill will cost us $714.2 billion over the next ten years—a pretty significant increase over the last farm bill. In fact, the only reason we are having this debate on the floor today at all is because the rule that provided for consideration of this bill waived points of order against violations of the pay-as-you-go, or PAYGO, rules, which require any additional spending to be offset by tax increases, or spending cuts.

House rules require the use of the most recent budget numbers available from CBO. And although we have numbers for FY 2008 available, the bill before us today is based on FY 2007's numbers. Why has this legislation not been updated to reflect the current fiscal year? Because doing so would reduce the baseline of available spending. If the Farm Bill followed the rules and instead used the updated baseline, it would violate PAYGO by $3.1 billion over 10 years. Ignoring the most recent budget numbers is like going to the gas station, and instead of paying $3.66 a gallon to fill up my car, I decide that I liked the price of a year ago better, and only pay $2.60 a gallon. Someone ends up getting stuck with the extra cost, and in our case, it's the American taxpayer. Time shifts and budget gimmicks hide another $8.5 billion. That's $11.6 billion worth of hidden costs in this bill, all born in the backs of American taxpayers.

Yet, with all of the extra money that seems to be magically available in this bill, the majority could not find enough money to avoid cutting $300 million from direct payments and $6 billion from crop insurance. These are the two programs that benefit Kansas farmers the most. We couldn't find the money to help them, which seems strange, as there was plenty of money available for pet projects.

During the debate today, several of my colleagues have mentioned two programs that were airdropped in conference. One would provide for the purchase of 400,000 acres of forest land for the preservation of fish, and allow the Nature Conservancy to receive a $250 million tax refund, even though they are a non-profit organization, and pay no taxes. A second program provides $170 million—more than we provided for the victims of Hurricane Katrina—for the restoration of salmon fisheries.

By themselves, these are rather ridiculous and unnecessary programs that should have been subject to House approval. Instead, they were inserted into the Conference Report without undergoing the scrutiny of this great body. That alone is disconcerting. But what makes these provisions especially painful for the farmers in my district is the fact that, if these two programs were eliminated, there would be more than enough money to restore the $300 million cut from direct payments. The cuts to crop insurance and direct payments remove the two most important aspects of the farm bill for Kansans. Taking money from these programs is unacceptable given the significant spending increases elsewhere.

There are, however, good provisions in this bill. The conference report addresses many of the concerns voiced to me by Kansas livestock producers. Especially of note are the country-of-origin labeling provisions that will allow producers to transition into compliance in a smooth and cost-effective manner while providing consumers with more information about where their food comes from.

This bill creates, for the first time, limitations on income for those receiving federal farm assistance. It provides for nearly 49 million acres to be enrolled in conservation efforts, preserving the land for future generations.

Another positive provision included in the farm bill is the tax incentive for cellulosic ethanol production. Cellulosic ethanol has great potential for helping lower the cost of fuel for American consumers while lessoning the strain on food prices.

Mr. Speaker, this is the third farm bill I have had the privilege of considering here on the House floor. As a Kansan, I take pride in the work it does to help Kansas, its farmers, ranchers and producers. It saddens me, however, that for the first time, I cannot vote for the original bill or this conference report before us today. I cannot endorse a bill that follows the same song and dance we've seen all too often in Washington—a disregard for the rules of this House, coupled with large increases in wasteful Federal spending.

This farm bill leaves farmers in the dust and sacrifices Kansas food producers on the altar of special interest fish projects. It is a shame some have forgotten the ''farm'' in our consideration of the farm bill.

HONORING THE LIFE OF BRUCE H.T. DALLAS

HON. VIRGIL H. GOODE, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. GOODE. Madam Speaker, I rise today to honor the memory of Bruce H.T. Dallas of Martinsville, Virginia. Bruce passed away on August 26, 2007, and is survived by his wife Shirley K. Dallas, 6 children, 3 brothers, 11 grandchildren, and 6 great-grandchildren.

Bruce was born on November 4, 1938, in Martinsville. He attended Albert Harris High School and then began his career of active participation in a number of civic and community-building ventures. He served as a member of the Martinsville City Council, Virginia Municipal League, 5th District of Virginia Democratic Party Committee, and State Central Democratic Committee. He was president of the 5th District Black Caucus and former Chairman of the Martinsville Democratic Committee.

Bruce was a member of the Board of Directors of the Virginia State Conference of the NAACP and the Martinsville/Henry County Voters League.

Bruce was an active member of the Mt. Zion African Methodist Episcopal Church, serving as trustee and steward. In 1997, he was named ''Man of the Year'' by the Virginia Annual Conference of the AME.

The impact of Bruce Dallas' legacy will forever live in the Martinsville community. He will be remembered as a fearless leader who was unafraid to challenge the status quo. Bruce was a ''man of the people'' and held a deep belief that a man's success could and should be measured by his service to the people. He will long be remembered as a loving husband, father, grandfather, great-grandfather and father-in-law.

I am grateful for the opportunity to rise today to salute Bruce's legacy of service and commitment to improving the quality of life for citizens of Martinsville and Southside Virginia.

EARMARK DECLARATION

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. MILLER of Florida. Madam Speaker, consistent with Republican earmark standards, the following are detailed finance plans for each of my requested projects in the Duncan

Hunter National Defense Authorization Act of Fiscal Year 2009, H.R.5658.

Requesting Member: Congressman JEFF MILLER

Bill Number: H.R. 5658

Project name: FPS–16 Radar Mobilization upgrade

Account: USAF, RDT&E

Legal Name of Entity Receiving Earmark: BAE Systems

Address of Entity: 557 Mary Esther Cut-Off, Fort Walton Beach, Florida, 32548

Description: Provide an earmark of $6,000,000 to The Air Armament Center (AAC) at Eglin Air Force Base, Florida for enhanced range instrumentation coverage. Due to the ever evolving performance characteristics of the systems under test it has become increasingly necessary to extend the instrumentation infrastructure of the test range by providing flexibility and increased coverage in test support. Funding for upgrading FPS–16 radars to BAE Systems RIR–980 configuration, will consist of a set of digital radar electronics based upon an expandable open system VME-based architecture housed in a skid-mounted shelter that can be transported by a flat-bed trailer. The electronics shelter will interconnect to the antenna and tracking pedestal that may also be transported by trailer.

Finance plan: The total package will provide a precision long range tracking radar that may be relocated to prepared sites for optimum test coverage and support on a project-to-project basis. 25 percent of the funding is required for engineering efforts, 40 percent of the cost is for material and manufacturing, 15 percent for mobility and 20 percent for locating the system, training and test.

Justification for use of taxpayer dollars: This enhanced, mobile radar tracking capability will provide AAC the flexibility required to support testing of current and emerging weapon systems and platforms. This new capability will attract test programs to the AAC test range that cannot presently be supported, provide expanded instrumentation coverage for the range, reduce encroachment concerns, and provide more comprehensive coverage and support to all test programs. This added instrumentation asset will result in more cost effective and timely test support for the U.S. Air Force and ultimately in fielding systems for the war fighter in a more timely manner.

Requesting Member: Congressman JEFF MILLER

Project name: Moving Target Strike

Account: RDT&E, Air Force

Legal Name of Entity Receiving Earmark: Alpha Data Corporation/General Atomics

Address of entity: Alpha Data Corp 1326 Lewis Turner Blvd Fort Walton Beach, FL 32547 General Atomics 3350 General Atomics Court San Diego, CA 92121

Description: Moving Target Strike works to demonstrate a low cost GPS guided weapons system with improved accuracy (less than three meters) and the ability to strike moving targets.

Finance Plan: If the request is fully funded in FY09, the obligation breakdown ($M) of labor and materials per quarter:

Modification of small weapon—$1.2M

Interface development of weapon to sensor—$1.0M

Simulation and con-ops development—$0.5M

Datalink procurement and integration—$1.0 M

Manned aircraft integration of datalink and sensor—$0.2 M

Manned flight test/demo. (static weapon, no live drop)—$0.4 M

Predator integration engineering—$0.6 M

Program managemenVsystem engineering—$1.1 M

Total—$6.0M

Justification for use of taxpayer dollars: The ability to extend the capability of GPS guided weapons to moving targets will significantly enhance the effectiveness of weapons platforms that use GPS guided systems. The enemy knows that currently if he keeps moving he is safe from many of our current weapon systems. The ability to strike movers from a variety of platforms with GPS guided weapons will greatly reduce the enemy's ability to avoid our weapons.

Requesting Member: Congressman JEFF MILLER

Project Name: Joint Gulf Range Complex Upgrade

Account: RDT&E, Defense Wide

Legal name of entity receiving earmark: The Boeing Company

Address of entity: 634 Anchors St, Fort Walton Beach, FL 32548

Description: The services lack infrastructure to collaboratively address operational issues associated with the Global War on Terror. The 46 Test Wing at Eglin AFB, in concert with Air Force Special Operations Command and United States Special Operations Command use the range to conduct mission readiness qualification and weapons testing. This program will develop a prototype live virtual and constructive (LVC) range that will enable testing of new net centric weapons and support realistic joint special operations training. This LVC range will facilitate the fielding of weapon systems that possess a net centric capability enabling conventional systems to directly communicate with special operations via data link for the time sensitive targeting of ''terrorist type'' targets including car bomb factories and training sites.

Justification for use of taxpayer dollars: The upgrade will result in improved training and mission readiness.

Requesting Member: Congressman JEFF MILLER

Project Name: Gulf Range Mobile Instrumentation Capability (GR-MIC)

Account: Defense Wide OSD/Central Test and Evaluation Investment Development (CTEIP)

Legal name of entity receiving earmark: Prologic

Address of entity: 9400 Innovation Dr. Manassas, VA 20110

Description: The 46th Range Group (46 RANG) has a need for a Gulf Range Mobile Instrumentation Capability (GR-MIC) that can provide a platform for remote test, collection, storage and relay of various data types. This capability is needed to support test events which require extreme sized land and water mission operating spaces to accomplish their goals such as distributed Live Virtual Constructive (LVC) test events, large footprint weapons testing, Directed Energy (DE) testing and hypersonic weapons testing.

Justification for use of taxpayer dollars: By developing a GR-MIC we will be able to integrate the simultaneous employment of many advanced weapons/platforms into a single test or exercise/training events. This effort connects test and evaluation ranges that use many communication and data requirements to interact between geographically separated ranges, making valuable information available to everyone who requires it. The result is ranges becoming interconnected and consequently creating a greater training experience.

Requesting Member: Congressman JEFF MILLER

Project name: Eglin Air Force Base Range Operations Control Center (ROCC) Initiative

Account: RDT&E, AIR FORCE

Legal name of entity receiving earmark: Cubic Applications, Inc.

Address of entity: 6 Eleventh Avenue, Suite H–3, Shalimar, FL 32579

Description: The 46th Test Wing has an Improvement Modernization initiative, termed ''super ROCC''. It provides for more effective control which will better optimize range scheduling and increase flexibility in meeting test and training missions.

Justification for use of taxpayer dollars: Considering the effects of BRAC, emerging Joint Test and Training missions, and increased operations tempo, this initiative will address the current Eglin AFB shortfalls in infrastructure to provide safe, efficient, effective control of range resources. Eglin AFB initiated a phased approach (Super ROCC) to address these shortfalls, and this project will initiate the action by addressing movement and control of people and equipment and relevant security issues. This Initiative will help the Air Force increase the operations tempo at the Eglin Range by addressing the movement and control of people and equipment as well as relevant security issues. Through this initiative, the Air Force will greatly improve its ability to track all players on the Eglin Range thereby significantly increase its efficiency in an increased ops tempo environment. Driven by BRAC and safety imperatives, this further provides for more effective control which will better optimize range scheduling and increase flexibility in meeting test and training missions. Simply by knowing the locations of all entities on the range, more flexibility in reassigning missions to ground and air space previously under utilized will be achieved.

EARMARK DECLARATION

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Ms. GRANGER. Madam Speaker, consistent with the Republican Leadership's policy on earmarks, I offer the following justification for the projects that I requested that were included in the FY2009 National Defense Authorization bill.

For the project titled ''Security Forces Building, 136th Airlift Wing, Fort Worth'' in H.R. 5658, the MILCON Air National Guard Account, the legal name and address of the requesting entity is Texas Air National Guard, 136th Airlift Wing, NAS JRB Fort Worth, Fort Worth, TX. A new facility is needed at JRB NAS Fort Worth for the Security Forces Squadron and for Combat Arms Training Simulator/Combat Arms Training Maintenance. This requirement is a result of the Air Force's increased need for Security Forces personnel

and the resulting increase of Security Forces personnel at the 136th Airlift Wing. Current space and facilities are inadequate; they are less than half the authorized size for the current number of personnel assigned and current training/deployment requirements. This facility needs to be constructed as soon as possible because the number of security personnel for the 136th Airlift Wing is growing quickly. Funds will be used toward the construction of this facility.

For the project titled ''F–22A Raptor'' in H.R. 5686, the Aircraft Procurement—Air Force Account, the legal name and address of the requesting entity is United Technologies, 1401 Eye Street, NW, Suite 600, Washington, D.C. 20005–6523 (Subcontractor to Lockheed Martin—Fort Worth, Texas). The F–22A Raptor is the only fighter that can provide air dominance necessary to ensure freedom of action for U.S. allied ground, air, and naval forces in contingency and combat forces. The F–22A Raptor provides 5th generation stealth, supercruise, vectoring thrust agility and integrated weapons capability to provide air dominance. Growing threats from modern surface to air missiles; new 5th generation fighters in development by potential adversaries; and loss of significant numbers of the current air superiority fighter (the F–15 Eagle) demand continued F–22 production beyond the current F–22 multi-year procurement. Funds would be used for advance procurement of F–22A Raptors.

For the project titled ''C–I7A Globemaster III'' in H.R. 5658, Aircraft Procurement, Air Force account, the legal name and address of the requesting entity is The Boeing Company, 3855 N Lakewood Blvd, Long Beach, CA 90846 (As prime contractor to Vought Aircraft Industries). The C–17 is the primary U.S. heavy airlift aircraft that can also operate intratheater on unimproved airfields. C–17 has flown approximately 80 percent of the strategic airlift missions for military operations in Afghanistan and Iraq, as well as serving as the workhorse for disaster relief in Asia and the United States' Gulf Coast. The program will provide improved military capability to fulfill needs as identified by the Department of Defense. Funds will be used for procurement of C–17s.

For the project titled ''Podded Reconnaissance System, SCATHE VIEW (C–130H)'' in H.R. 5686, the Aircraft Procurement—Air Force account, the legal name and address of the requesting entity is ATK Integrated Systems, 236 Citation Drive, Fort Worth, TX, 76106. SCATHE VIEW provides the war fighter with significant improvements in identifying time-critical targets, and in saving lives. The SCATHE VIEW program currently operates eight C–130H airframes, modified to carry a sensor suite pallet. All assets—including five sensor pallets—are stationed with the Air National Guard's 152nd Intelligence Squadron (IS) in Reno, Nevada. Recent deployments to U.S. Central Command (CENTCOM) have been very successful in finding improvised explosive devices (IEDs), and in locating and destroying high value targets. SCATHE VIEW has also provided critical situational awareness by providing day and night imagery during domestic forest fires, and in search and rescue efforts. The program will provide improved military capability to meet an unmet need identified by the Department of Defense. Approximately 10 percent of funds will be used for the Blue Force Tracker, 40 percent for 3rd Aircrew Position, and 50 percent for Tactical Information Broadcast Service.

For the project titled ''UH–60A to UH–60L Upgrades'' in H.R. 5686, the Aircraft Procurement—Army Account, the legal name and address of the requesting entity is United Technologies, 1401 Eye Street, NW, Suite 600, Washington, D.C. 20005–6523, and Sikorsky Aircraft Corporation, A United Technologies Company, 4800 Overton Plaza, Ft Worth, TX 76109–4428. The Army has begun procuring new ''M'' series Black Hawks for utility, special operations, and MEDEVAC missions to replace the older ''A'' series models. The project also continues modernizing UH–60A helicopters through a UH–60A re-capitalization program. The current re-capitalization program includes an airframe life extension, fleet-wide product improvements and the replacement of components with the latest UH–60L configuration. While performing this recapitalization, the addition of the UH–60L transmission, UH–60L 701D engines and other enhancements complete the upgrade at a cost of an additional $1.5M per aircraft. Funds will be used for these costs.

For the project titled ''RC–26B Modernization'' in H.R. 5686, the Aircraft Procurement—Air Force Account, the legal name and address of the requesting entity is ATK Integrated Systems, 236 Citation Drive, Fort Worth, TX, 76106. The RC–26B performs critical intelligence, surveillance and reconnaissance (ISR) missions in support of national disaster response by the Department of Homeland Security (DHS), Customs and Border Protection (CBP), Air National Guard, and in direct support of Special Operations Forces in the GWOT. The Air National Guard (ANG) operates a fleet of eleven RC–26B aircraft that provide support to individual states for disaster relief and counter-drug missions. As the demands for the RC–26Bs proven utility increased, non-availability of the platform due to use in GWOT operations have prevented ANG crews from performing their domestic assigned missions. Special Operations Command funded the modification of five RC–26B aircraft—to provide ISR missions in support of deployed operations. With five RC–26B aircraft deployed in support of missions outside of the continental United States, an availability vacuum at the state level has occurred. The remaining six RC–26B aircraft (from Mississippi, Arizona, Florida, Texas, West Virginia and New York) are not sufficient to support the disaster relief and counter-narcotics missions of both the ANG and DHS/CBP. Funds will be used for concept development, design, integration and flight verification for one aircraft of the following technologies that would enhance the current Block 20 RC–26B performance and effectiveness.

For the project titled ''Enhanced Holographic Imager (EHI)'' in H.R. 5686, the RDT&E—Army account, the legal name and address of the requesting entity is Zebra Imaging, Inc., 9801 Metric Blvd., Suite 200, Austin, TX 78758. This is the final phase of a three-year development program to reduce the size and enhance efficiency of the holographic imager system currently used to produce 3D imagery for the Army's Tactical Battlefield Visualization program. The requested FY09 funds will be administered by the U.S. Army Engineering Research and Development Center (USAERDC) and will complete the EHI development program, with the delivery of a fully-tested prototype of the field-deployable Enhanced Holographic Imager. The Enhanced Holographic Imager (EHI) system is needed by DOD to reduce the time now required to provide 3D imagery to Coalition Forces in Iraq for intelligence and operation planning. Approximately 55 percent of funds will be used to complete design of a system and lab test prototype, 20 percent for the development of a prototype post-processor, and 25 percent to construct and test an in-field beta prototype.

For the project titled ''Center for Geospatial Intelligence & Investigation (GII)'' in H.R. 5658, RDT&E—Navy account, the legal name and address of the requesting entity is Texas State University San Marcos, Center for Geospatial Intelligence & Investigation, 601 University Drive, San Marcos, TX 78666. The Center for Geospatial Intelligence & Investigation is conducting research of interest to the US military. Recognizing the need for better tools to track down insurgents responsible for kidnapping, maiming, and killing US Forces, allies, and civilians in operations in OIF and OEF, the Army sanctioned the initial stage of this project through the Army Topographic Engineering Center in FY06. This project is designed to assist in counter-IED (improvised explosive devices) efforts having a direct impact on increased safety levels and reduced risk of injury and/or death for U.S. military forces deployed to OIF and OEF. Funds will be used for the next phase of the project supported by the US Marines Systems Command. Employing a cross-disciplinary approach, GII seeks to help military and military intelligence officials build more powerful investigative and analytic tools. This project will continue to develop computer modeling based on insurgent behavioral theories to help extract knowledge from information and data, assisting military officials in predicting insurgent activity areas and bases of operation. Components of the project will focus on suicide attacks, attacks along main supply routes/roads, and the use of specialized technology to depict the ''Behavioral Decision-Making Template'' of insurgents. Approximately 30 percent of funds will be used for personnel, 10 percent for equipment, and 60 percent for other incidental costs such as travel.

EARMARK DECLARATION

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. BUYER. Madam Speaker, the attached financial plans are provided in support of projects listed in H.R. 5658.

DETAILED FINANCE PLAN FOR NATIONAL TEST FACILITY FOR AEROSPACE FUELS AND PROPULSION

Budget: Equipment & Supplies—$2,130,000; Salary—$850,000; Travel—$20,000.

Source of Match Funding: Purdue University.

Sustainability: Potential sources of funding along with associated sustainability possibilities include: Office of Energy and Defense Center for Coal Technology Research (CCTR)—Test and development support for Fischer-Tropsch (FT) fuels; DoD Clean Fuels Initiative—this facility will have the capabilities for long-term test operations and data collection; DARPA BAA—this facility will have the

capabilities to conduct development work for Biofuels, a strategic initiative under DARPA; Rolls Royce—through the Purdue University Technology Center (UTC); Caterpillar—long term test operations data; The Boeing Company—support and development of alternative fuels initiatives underway.

Justification for Use of Tax Dollars: In an executive act, President Bush has committed U.S. military installations to use green fuels. The Department of Defense is committed to approval of all aircraft for flight on synthetic fuel blends by the end of 2008. Furthermore, Boeing and Virgin intend to fly a green aircraft using bio-fuel. The Civil Aviation Alternative Fuel Initiative developed a roadmap for the integration of new fuel technologies into the aerospace industry. This project will maintain a multi-faceted National Testing Facility to support development and testing of alternative energy sources for aerospace equipment, assisting the federal government and the private aerospace sector in meeting their green fuel objectives.

DETAILED FINANCE PLAN FOR NATIONAL RADIO FREQUENCY—R&D AND TECHNOLOGY TRANSFER CENTER

The requested funds will be the only source of funding. Funds will be used as follows:

Establish the Center and Participant Coordination—900K—Staffing and training; management and project oversight; identify and technology to needs; select projects.

Start First Project—2,100K—Trial of process; develop needed maturity for transition to production; details of project spending: Salaries—1,400K; material—300K; test equipment and facility use—400K.

Start Second Project—2,000K—Proof process with lessons learned; develop needed maturity for transition to production; details of project spending: Salaries—1,300K; material—300K; test equipment and facility use 400K.

Total—5,000K.

Percent and Source of Matching Funds: None.

Justification for Use of Federal taxpayer dollars: Our Government spends billions of dollars each year on science and technology and research and development. Many groundbreaking technologies never make it to the intended uses simply because it is difficult and time consuming to bridge the funding gaps and acquisition administration requirements. National Radio Frequency (RF) R&D and Technology Transfer Center is intended to facilitate technology transfer to production, to promote small business initiatives, and to gain higher returns on research dollars.

HONORING ELIZABETH FOSTER

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. CUELLAR. Madam Speaker, I rise today to honor Mrs. Elizabeth Foster, who will be inaugurated as President of the Republic of the Rio Grande during the Webb County Heritage Foundation's annual Founders' Day Celebration at Texas A&M International University on May 10, 2008. Each year, the Heritage Foundation selects an individual who embodies outstanding commitment to historic preservation, and this year, that deserving individual is Mrs. Elizabeth Foster.

Elizabeth was born on December 5, 1920, in Mission, Texas, to her parents, Louis J. Kowalski, and Dorothy Newhall Kowalski. She spent her early childhood in Monterrey, Nuevo Leon, Mexico, where her father was involved in the tobacco business. In 1931, Elizabeth's family moved to Laredo, Texas, when she was 10 years old. Elizabeth attended Heights Elementary School, L.J. Christen Middle School, and graduated from Laredo High School in 1937. She portrayed Princess Pocahontas in the Washington's Birthday Celebrations of 1939 and 1941, and was presented by the Society of Martha Washington in 1940. She married John E. Foster on May 1, 1941. She had 8 children: John, Elizabeth, Dorothy, Alice, Mary, Edward, Sarah, and Stephen, and is a proud grandparent to 10 grandchildren. Mrs. Foster has admirably served the community of Laredo, Texas, through her civic work with the Daughters of the American Revolution, Ladies' Luncheon Club, and the Cotillion Club. She is also an active member of St. Patrick's Catholic Church.

Madam Speaker, I am honored to have had this time to recognize the dedication of Mrs. Elizabeth Foster to preserving the history of the City of Laredo, and for her inauguration as President of the Republic of the Rio Grande.

EARMARK DECLARATION

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. DOOLITTLE. Madam Speaker, I submit the following:

Requesting Member: Representative JOHN T. DOOLITTLE.

Bill Number: H.R. 5658.

Account: Report Language.

Legal Name of Requesting Entity: Herlong Public Utilities District, Lassen County Board of Supervisors, Ft. Sage Unified School District, Susanville Indian Rancheria.

Address of Requesting Entity: P.O. Box 515, Herlong, CA 96113–0515.

Description of Request: Request that the Army promptly review the Herlong Public Utilities District (HPUD) proposal to privatize the water utility at Sierra Army Depot (Depot) and to convey the utility and offset the costs of the project if it is in the government's best interests. Currently, the Depot provides drinking water to the community of Herlong, and is not in compliance with State of California drinking water standards. Conveying the water utility to HPUD would save approximately $4.5 million of the $12 million currently estimated to bring the Depot into compliance with California State water standards. As HPUD is a local governmental entity, the matching requirement is not applicable.

EARMARK DECLARATION

HON. MICHAEL T. McCAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. MCCAUL of Texas. Madam Speaker, I wish to have my name disassociated with the following project. After this request was submitted to the House Armed Services Committee I instituted a personal earmark moratorium and do not want any earmarks in my name for Fiscal Year 2009.

I urge the Chairmen and Ranking Members of the House and Senate Armed Services Committees, as well as any conferees, to not put forward this earmark in my name or at my request in final Conference or Committee Reports.

Requesting Member: Congressman MICHAEL MCCAUL.

Bill Number: H.R. 5856.

Account: Army RDTE (R–1 Line #133) PE 0605502A.

Legal Name of Requesting Entity: Applied Physical Electronics, LP.

Address of Requesting Entity: 5208 Electric Ave., Spicewood, Texas 78669.

Description of Request: The requested funding will be used for research to produce technology to support efforts against terrorist activities, to fund two endowed professors from the University of Texas for antenna design support and for signal and image processing, to acquire key capital laboratory equipment, and to hire 12 highly skilled professional engineers, as well as supporting staff. The UT professors will be funded to continue in their efforts to help design compact antenna structures, as well as the development of algorithms necessary for detecting and identifying explosives and controlling electronics used with Improvised Explosive Devices (IEDs). The necessary equipment and additional staff will further the development of APELC's technology into systems deployed for defense against IEDs and Rocket Propelled Grenades (RPGs), with the ultimate objective being the utilization of APELC's technology as integral components of future applicable DoD systems, including MDA, Army, Air Force, DARPA and the Navy.

EARMARK DECLARATION

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. GINGREY. Madam Speaker, in accordance with House Republican Conference standards and Clause 9 of Rule XXI, I submit the following member requests for the record. Funding for these requests was authorized in the National Defense Authorization Act for Fiscal Year 2009.

Requesting Member: Congressman PHIL GINGREY.

Bill Number: H.R. 5658.

Account: Army RDT&E, PE62786A, Line 27, Warfighter Technology.

Legal Name of Requesting Entity: Printpack Inc.

Address of Requesting Entity: 2800 Overlook Parkway, NE Atlanta GA 30339.

Description of Request: The budget request includes $21.9M in PE62786A for Applied Research of new warfighter technologies of which $5.3M is allocated for Joint Service Combat Feeding Technology. The $2,100,000 added to this account will be used to develop new and innovative packaging and processing technologies for the Warfighter's combat rations. These funds will result in the ability to provide greater variety and more nutritional rations with longer shelf-life and reduced production costs. The objective of this effort is to

develop advanced thermal processing techniques based on the utilization of non-foil materials for military ration packaging. The importance of developing non-foil packaging materials will serve as a precursor to the next stage of the R&D effort which will investigate new and enhanced thermal processing techniques; specifically, Enhanced High Pressure Processing, EHPP, and Microwave Sterilization, MW, technologies. The EHPP and MW processing technologies have numerous advantages over conventional thermal processing; however, these processes cannot be used on current foil packaging because they cause blistering and flex cracking of the foil packaging material. Therefore, to achieve the advantages of advanced EHPP and MW processing, it is essential to use state-of-the-art, non-foil packaging materials. The development of advanced, non-foil packaging materials and utilization of innovative EHPP and MW processing techniques will result in the provision of rations with the following beneficial and enhanced qualities: greater variety, better taste, more nutrition, longer shelf-life, lower overall production costs, environmentally friendly, less volume and waste. The FY09 effort will consist of three stages and is budgeted as follows: Stage 1: Blistering, $0.14M, Stage 2: Flex Crack Resistance, $0.26M, Stage 3: EHPP & MW Trials, $1.7M.

Requesting Member: Congressman PHIL GINGREY.

Bill Number: H.R. 5658.

Account: Defense-wide RDT&E.

Legal Name of Requesting Entity: Scientific Research Corporation.

Address of Requesting Entity: 2300 Windy Ridge Parkway, Suite 400 South, Atlanta, GA 30339.

Description of request: This program will utilize recently developed Wavelet Packet Modulation, WPM. The $4,000,000 authorized will be used to implement design modifications for limited rate initial production, including form factor packaging changes for ruggedization and for integration with signal intelligence systems. Additionally, production readiness for integration with existing communications systems will occur. Finally, module testing will be subjected to continued assessment and utility testing on multiple platforms. The enhanced modules will then undergo a final government Production Readiness Review, paving the way for subsequent deployment. Covert WPM Communications Modules as communications links for multiple platforms, including unmanned aerial systems, provide a critical solution to special operations warfighters that require the ability to communicate covertly without detection. Funding is required for hardware and software engineering, integration, and test, 64 percent; specialized equipment 21 percent; specialized software 13 percent; and travel to U.S. Special Operations Command and to military test sites 2 percent. This request is consistent with the intended and authorized purpose of the U.S. Special Operations Command Special Operations Tactical Systems Development program.

Requesting Member: Congressman PHIL GINGREY.

Bill Number: H.R. 5658.

Account: Other Procurement, Army (Training Devices, Non-system).

Legal Name of Requesting Entity: Meggitt Training Systems.

Address of Requesting Entity: 296 Brogdon Road, Suwanee, Georgia 30024

Description of Request: The $3 million authorized will continue the multi-year upgrade and modernization of existing firearms simulation systems in the Army National Guard necessary to meet the validated system standard. The modernization includes the conversion to digital systems and acquiring tetherless simulated weapons that allow better freedom of movement and enhanced realism than the tethered version. The Army National Guard views modernization as critical to resolving an immediate mandatory small-arms training need in support of the Guard's role in the global war on terrorism and homeland security. Of the 266 systems in the Guard inventory, 169 have not been upgraded. These funds will allow for the upgrade of approximately 45 of those systems.

Requesting Member: Congressman PHIL GINGREY.

Bill Number: H.R. 5658.

Account: Defense-wide, RDTE.

Legal Name of Requesting Entity: Georgia Institute of Technology.

Address of Requesting Entity: GTRI Cobb County Research Facility, 7220 Richardson Road Smyrna, GA 30080.

Description of Request: The $6,000,000 authorized for Advanced Surface-to-Air-Missile (SAM) Hardware Simulator Development will reinvigorate the simulator development process and provide a simulator that can be used for electronic warfare, EW, development and testing while the simulator community revives its ability to develop and field SAM simulators. The funding will be used for research and charged to the Department of Defense at pre-negotiated rates.

One of the by-products of the collapse of the Soviet Union is that Russian SAM systems became available for purchase through FME/FMA programs. This has been a boon for the EW and test communities, DTE & OTE, in that they have been able to use actual SAM systems, as opposed to SAM simulators, to develop and test EW equipment and tactics against Russian SAM systems. While providing the aforementioned benefit, the availability of actual Russian SAM systems has had the negative effect of curtailing development of SAM simulators. At the same time, the Russians have continued to develop advanced SAM systems. Further, the Chinese have continued their development of advanced SAM systems, and other, third-world countries have been purchasing and modifying Russian SAM systems. Intelligence estimates are that these advanced and modified SAM systems will not be available for purchase by the U.S. in the foreseeable future.

The result of the above is that the U.S. EW and test communities are hampered in their development of EW equipment and tactics against advanced Russian and Chinese SAM systems, or against modified, third-world, SAM systems. This is particularly troubling because these threats are critical requirements drivers for many U.S. acquisition and upgrade programs including the JSF, AWACS, EF–18G, AARGM, J–UCAS, F–22, and JASSM. While it is believed that the simulator development community will recover its ability to field simulators of advanced SAM systems, such recovery will take a long time. Also, unless action is taken soon, the recovery will be hampered by the fact that the corporate knowledge needed to develop threat-representative simulator designs is being lost through retirement and personnel shifts.

Requesting Member: Congressman PHIL GINGREY.

Bill Number: H.R. 5658.

Account: RDTE N, PE#0603513N, Line 35, Shipboard System Component Development.

Legal Name of Requesting Entity: Global Technology Connection, Inc.

Address of Requesting Entity: 2839 Paces Ferry Road, #1160, Atlanta, GA 30339.

Description of Request: The $2,000,000 authorized will be used to begin development of a Two-Screw Magnetic Drive pump system, 2–SMDPS, with diagnostic/prognostic capabilities in response to a Navy requirement. Approximately $1,000,000, 50 percent, is for the engineering and design of the controls/microprocessor; the development of test protocols and collaboration on the algorithms/softwear; and $1,000,000, 50 percent, on engineering addressing the pump design. The system will provide a diagnosis of pump components and provide a prognosis of the time-to-failure while identifying the affected components giving their current state and estimating remaining useful lifetime. This advanced pump system for naval ships that will not only increase safety for the ships' crews but also ensures there are no catastrophic failures during critical missions. In addition, it will provide savings on inventory and reduce the need for redundant systems, thereby reducing weight and freeing up space on naval ships.

Requesting Member: Congressman PHIL GINGREY.

Bill Number: H.R. 5658.

Account: Army, RDTE.

Legal Name of Requesting Entity: Georgia Institute of Technology.

Address of Requesting Entity: Institute of Bioengineering and Bioscience, 315 Ferst Drive, NW Atlanta, Georgia 30332–0363.

Description of Request: The $3,000,000 authorized for the Center for Advanced Bioengineering and Solider Survivability, CABSS, will be used for critical needs in trauma treatment and post-trauma wound care and reconstruction. The funding will be used for research and paid out at pre-negotiated rates in accordance with Department of Defense policy. Specifically, funds will be used to: establish a seed grant program to identify novel technologies for treatment of musculoskeletal defects following trauma, develop oriented nano-fiber meshes for treatment of neurologic defects following injury to the extremities, develop biodegradable shape memory polymers for treatment of large bone defects, develop biodegradable shape memory polymers for craniofacial reconstruction, and test the effects of sustained delivery of osteoinductive proteins in tubular nanofiber mesh scaffolds on functional repair of large segmental bone defects. Past Congressional funding has been leveraged by CABSS to obtain additional funds from the Department of Defense.

Requesting Member: Congressman PHIL GINGREY.

Bill Number: H.R. 5658.

Account: O&M, ARMY, Off-Duty and Voluntary Education.

Legal Name of Requesting Entity: North Georgia College & State University.

Address of Requesting Entity: College Circle, Dahlonega, Georgia 30597.

Description of Request: These funds will expedite the creation of an Arabic Language and Culture Program at one of the nation's six senior military colleges. With its Corps of Cadets numbering nearly 650 and with an annual

commissioning of 45–50 2nd Lieutenants in the U.S. Army, North Georgia is centrally situated to make an immediate impact on training future military leaders for the threats that the Nation currently faces and will very likely face for the foreseeable future. These funds will create the infrastructure to provide Arabic language and culture training beginning with the fall 2009 semester. The University will pick up the costs for the program once the Federal funds have been exhausted. Of the $350,000 authorized, $227,000 will be used for personnel expenses for 3 faculty members to teach Arabic, $23,000 will be used on equipment and software, $37,300 will be used for students to study abroad and faculty development, $30,000 will be used to provide students with a summer stipend. The remainder of the funds will be used for indirect costs.

Requesting Member: Congressman PHIL GINGREY.

Bill Number: H.R. 5658.

Account: Army Line 30, PE# 0603002A.

Legal Name of Requesting Entity: Smisson-Cartledge Biomedical, LLC.

Address of Requesting Entity: 502 Mulberry Street, Second Floor Macon, Georgia 31201.

Description of Request: The $2,000,000 will be used for Research and Development on extracorporeal lung support therapy as an extension the ThermaCor 1200 technology. As research shows, there is an unmet medical need for something better than conventional mechanical ventilation for acute lung injury, including exacerbations of chronic lung disease. Smisson-Cartledge Biomedical intends to pioneer an integrated system to provide an extracorporeal alternative for use outside of the surgical ICU. Their system would be designed for use by people who are not trained perfusionists or surgeons. The plan is to integrate the ''smart'' pump/circuit driver with an efficient compact gas exchange device for $C0_2$ removal and reoxygenation of the blood that will be infused at normothermic, body, temperature. The base technology will be further developed to provide this critical life-saving portable lung support for soldiers/patients that are inflicted with an acute lung injury. The authorized funds will complete this effort.

Requesting Member: Congressman PHIL GINGREY.

Bill Number: H.R. 5658.

Account: Aircraft Procurement, Army; 020 Utility Helicopter Mods.

Legal Name of Requesting Entity: Army National Guard Readiness Center.

Address of Requesting Entity: 111 S. George Mason Drive, Arlington, VA, 22204.

Description of Request: The $5,000,000 authorized will be used for UH–60 Black Hawk Helicopter upgrades. The UH–60L Upgrades are $1.5 million each and include: UH–60L Improved Durability Gearbox; UH–60L Flight control upgrades; UH–60L, IVHMS, Integrated Vehicle Health Maintenance System; UH–60L Overhead rescue hoist provisions; UH–60L Overhead Rescue Hoist; UH–60L Rescue Hoist Cable Guard; UH–60L Digital engine control unit; UH–60L Hydro mechanical unit; UH–60L Signal data converter; UH–60L Cargo hook upgrade to 9000 lbs.

The UH–60 Black Hawk helicopter is an essential capability of the National Guard. It provides units in every state with a multi-mission aircraft for search and rescue, utility lift, disaster relief and medical evacuation. The Army National Guard, ARNG, is authorized 782 Black Hawk aircraft, but is short of this authorization by almost 100 aircraft. This shortage requires ARNG units to loan or transfer Black Hawks in support deployments, training or state missions, resulting in a higher usage rate of available airframes. Additionally, more than 500 of the 782 National Guard aircraft are older UH–60A models, with an average age of approximately 25 years. The Army is procuring over 1200 UH–60M Black Hawks for utility, special operations and MEDEVAC missions to replace the aging UH–60A from operational units by 2016. The Army acquired 33 UH–60M Black Hawks by the end of FY07, and from FY09 to FY13, the Army plans to procure an additional 300 UH–60M Black Hawks (70 of those aircraft are programmed for ARNG units). However, without an accelerated procurement of the UH–60M, the Army National Guard will be operating more than 400 UH–60A helicopters beyond 2020. The ARNG and the Active Army developed a program to support the continued modernization of the ARNG Black Hawk fleet. Unfortunately, this program is not fully funded. The ARNG plan is to accelerate the fielding of UH–60M Black Hawks by 10 aircraft per year. Although the Active Army has programmed UH–60A recapitalization for the ARNG with Operations and Maintenance, O&M, funds, which includes an airframe life extension, fleet-wide product improvements and the replacement of components, the UH–60A to L upgrade is not funded. The UH–60L Black Hawk is more economical to operate and has 1000 lbs of additional lift than the UH–60A. The desired rate of UH–60 A to L upgrades is 38 per year. Funding the UH–60A to L upgrade will significantly improve the Black Hawk fleet, and assure that ARNG units are ready, deployable, and available to protect our national interests both abroad and at home. This ARNG aviation initiative has been identified by the Chief of the National Guard Bureau, CNGB, as FY09 ''Essential 10—Top 25'' unfunded priorities.

Requesting Member: Congressman PHIL GINGREY.

Bill Number: H.R. 5658.

Legal Name of Requesting Entity: USAF (2009 Unfunded Requirements List); Lockheed Martin Corp/Boeing Co/United Technologies Corporation.

Address of Requesting Entity: The Pentagon, Washington, DC; Marietta, GA/Seattle, WA/East Hartford, CT.

Description of Request: $523,000,000 is authorized to advance procure F–22 long-lead items in FY2009 that are necessary for F–22 procurement in FY2010. The funds provide for production of supplier items in FY2009 that are required to produce 20–24 additional, Lot 10, F–22 aircraft in FY2010, such as specialty metal alloy and titanium structural parts, as well as engine, AMAD, RADAR, CIP, CNI, and Landing Gear parts. The USAF submitted this request as the number two priority on its FY2009 Unfunded Requirements List. Additionally, the Secretary of Defense testified that he would like to extend production of F–22 into 2010, in order to allow the next administration to determine future production of the F–22. Yet, to date, the Secretary has provided no defense budget funding request or supplemental budget funding request to do so. Without funds for Advance Procurement of another full lot, F–22 production line suppliers will be forced to begin shutdown activities by November of 2008, making it unlikely that the next administration would have the necessary time or personnel in place to make such an important decision.

EARMARK DECLARATION

HON. RAY LaHOOD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. LAHOOD. Madam Speaker, in accordance with the Republican adopted standards on earmarks, I submit the below detailed explanation of the C–130 Squadron Operations Facility for the 182nd Airlift Wing, Illinois Air National Guard.

Bill Number: H.R 5658, the Duncan Hunter National Defense Authorization Act of fiscal year 2009.

Provisions/Account: Air Force, MilCon Air National Guard, JLQN069160.

Name and Address of Requesting Entity: 182nd Airlift Wing, Illinois Air National Guard, 2416 S. Falcon Boulevard, Greater Peoria Regional Airport, Peoria, IL 61607.

Description of Request: This is a top priority for the Illinois Air National Guard. This project has already received architecture and engineering funding from the National Guard Bureau, and will be ready to utilize FY09 funds. This request would provide a properly sized and adequately configured facility to accommodate airlift squadron operations. The current facility is only 86 percent of the authorized space. It is extremely overcrowded and inadequate to support the ongoing airlift mission of this C–130 base. Upon completion of this project, the current Operations building will be reconfigured to address the critical space shortages of other base operations.

H. RES. 1086 RECOGNIZING NATIONAL NURSES WEEK ON MAY 6 THROUGH MAY 12

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Ms. MCCOLLUM of Minnesota. Madam Speaker, I rise today in strong support of the resolution recognizing National Nurses Week on May 6th through May 12th (H. Res. 1086). This resolution pays tribute to the safe, high quality, and preventative health care that nurses provide.

I am pleased to honor the essential role that nurses play in providing quality health care across our Nation. Each of us remembers experiences when a loved one needed health care and a nurse was the first person by the patient's side providing care and comfort. We all benefit from the commitment nurses make to their profession despite extraordinary challenges they face every day.

Nurses are the health professionals on the front lines of caring for Americans both at home and abroad. Our Nation's soldiers on the front lines rely on nurses for lifesaving aid as they serve our country abroad. Back in the States, nurses play an important role as the primary point of contact between the patient and the world of healthcare providing critical medical care for the patient and assistance for their families.

Our Nation's health care system is complex and people with all types of needs are greatly served by caring, qualified, and professional nurses. They are integral to our Nation's health care delivery system. Nurses are advocates and health educators for patients, families, and communities. Nurses are also experienced researchers, and their work encompasses a wide scope of scientific inquiry including clinical research, health systems and outcomes research, and nursing education research.

Despite the excellent care that nurses provide, unfortunately, there is a shortage of nurses in our country which must be addressed. Minnesota—like much of the United States—is on the verge of a serious shortage of registered nurses and licensed practical nurses that affects patients, health care facilities, businesses, and the entire community. The Department of Health and Human Services (HHS) projects that the current 10 percent vacancy rate in registered nurses will grow to 36 percent by 2020, representing more than one million unfilled jobs.

In addition, there are less than 20,000 full time faculty to train nurses in this country, and nearly 2,000 full time faculty members leave their positions each year. Thus, we need to address the shortage of nurse faculty to help nursing schools expand student capacity and increase the nursing workforce. I was also pleased to support the Nurse Reinvestment Act which established a Nursing Faculty Loan Program and Nurse Service Scholarship program.

An aging workforce, stagnant graduation trends, and greater employment demand have left our Nation's hospitals critically understaffed. I believe we need measures to help address workforce issues to help retain nurses in the profession and allow nurses to be the professionals that they are. Providing individuals interested in nursing with the training and tools they need must be a top priority, and I will continue to support those efforts.

Nurses provide outstanding health care services in our community, and I look forward to continuing to support the work of nurses who devote themselves to making such a difference in our lives. I urge my colleagues to join me in supporting this bill to recognize National Nurses Week.

EARMARK DECLARATION

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. COLE of Oklahoma. Madam Speaker, under Clause 9 of Rule XXI, I submit for publication in the CONGRESSIONAL RECORD a list of earmarks which I have obtained in H.R. 5658, the Fiscal Year 2009 National Defense Authorization Act.

(1) Project Name: UML UAV/UAS Test Facility.

Requesting Member: Congressman TOM COLE.

Bill Number: H.R. 5658.

Account: RDT&E, Defensewide, Line 193.

Legal Name of Requesting Entity: Oklahoma State University—University Multispectral Laboratories (OSU–UML).

Address of Requesting Entity: 1000 South Pine (Research East), P.O. Box 1902, Ponca City, OK 74602.

Description of Request: Provide an earmark of $8,000,000 to establish a National Unmanned Aerial Vehicles/System (UAV/S) Test Facility adjacent to restricted Fort Sill, Oklahoma airspace on behalf of the United States Special Operations Command (USSOCOM) Approximately $4,400,000 (or 55%) is for material, engineering support, range equipment and renovations, along with $3,600,000 (or 45%) is for the creation of new, high-technology jobs consisting of technicians, engineers and scientists. The USSOCOM Program Manager, Special Applications For Contingencies (SAFC), requires greater access to test ranges where less restrictive UAV/S test flights may occur. Established by the OSU University Multispectral Laboratories (UML), this facility provides unique opportunity to conduct UAV/S flight testing while remaining within restricted airspace where UAV flights are exempt from FAA regulations. A wide variety of UAV/S testing, fully coordinated with Army authorities, becomes possible for all government entities This facility also supports the Army Fires Center of Excellence and fosters a positive economic impact on the surrounding areas.

(2) Project Name: Joint Fires & Effects Training System (JFETS).

Requesting Member: Congressman TOM COLE.

Bill Number: H.R. 5658.

Account: Army, RDT&E, Line 38.

Legal Name of Requesting Entity: The Institute for Creative Technologies.

Address of Requesting Entity: 13274 Fiji Way, Marina del Rey, CA 90292, USA.

Description of Request: Provides $6.5 million for the Joint Fires and Effects Training System (JFETS). JFETS at Fort Sill, Oklahoma, a collaborative effort between the University of Southern California Institute for Creative Technologies and the United States Army Field Artillery School, has grown from a concept demonstration to three fully functional prototype training installations since its inception in 2003. Short of combat, JFETS creates a realistic, stressful, and demanding experience for soldiers undergoing training in the synchronization of fires and effects. To date, more 5,000 soldiers have been trained in the JFETS Urban Terrain Module, the Open Terrain Module, and the Close Air Support Module.

Joint Fires Observation skills are perishable. The capability to refresh these skills frequently, in a time and cost effective manner, and across the U.S. Army, USAF, and U.S. Navy, will make the U.S. military a more integrated and effective fighting force. The enhancement of the Joint Fires Effects Trainer System (JFETS) will provide this.

Budget and timeline for FY 09 JFETS request.

JFETS:

Salaries & Wages—$2,478,361

Materials & Supplies—$797,348

Travel—$34,902

Subcontracts—$2,879,865

Fees—$309,524

Total Project Cost—$6,500,000

This will be executed in FY 09.

(3) Project Name: Call for Fire Trainer II/Joint Fires and Effects Trainer System.

Requesting Member: Congressman TOM COLE.

Bill Number: H.R. 5658.

Account: Other Procurement, Army, Line 169.

Legal Name of Requesting Entity: ''Techrizon, Inc.''

Address of Requesting Entity: 111 SW ''C'' Avenue; Lawton, OK 73507.

Description of Request: This request is for the continued research, development, technological improvements, and day to day training operations of the JFETS portion of the US Army's Can for Fire Trainer (CFFT) II at Fort Sill, OK. With an earmark of $4,000,000, approximately, $1,600,000 [40%] is for operations and maintenance of existing modules; and $2,400,000 [60%] is for the construction of additional modules to accommodate increased workload and student throughput in conjunction with BRAC-related expansion of Fort Sill. While JFETS/CFFT II is an Army approved program of record, funds for these essential functions are not addressed in the approved Capabilities Production Document (CPD). The requested funding will enable procurement of additional JFETS modules which will be placed in an authorized Simulations Center scheduled for construction in FY10.

(4) Project Name: Infrared Materials Laboratories.

Requesting Member: Congressman TOM COLE.

Bill Number: H.R. 5658.

Account: Navy, RDT&E, Line 7.

Legal Name of Requesting Entity: ''Amethyst Research Inc.''

Address of Requesting Entity: 2610 Sam Noble Parkway, Ardmore, OK 73401USA.

Description of Request: I received an earmark of $3,000,000 for advanced infrared systems development. Specifically, $2,097,900 is for research, development, testing and evaluation: $737,100 is for research equipment lease, and $165,000 is for building lease. This project has the support of key officials within the Department of Defense and within the U.S. suppliers of key defense-related technologies to the U.S. Government. This request is consistent with the intended and authorized purpose of the ONR, RDTE, N account. While not required to do so, the State of Oklahoma and the host community City of Ardmore have committed non-federal dollars toward this national priority.

(5) Project Name: Excalibur, Proj 155 MM Extended Range XM982.

Requesting Member: Congressman TOM COLE.

Bill Number: H.R. 5658.

Account: Army, Ammunition Procurement, Line 017.

Legal Name of Requesting Entity: Raytheon Company.

Address of Requesting Entity: 1151 East Hermans Road, Tucson, AZ 85706.

Description of Request: Excalibur is a funded program of record and receives procurement funding from the U.S. Army and Marine Corps as well as through Foreign Military Sales. The Army has a stated requirement of 30,000 rounds, and the current program, through FY13, funds only 5720 rounds.

In March 2005, the Army approved Excalibur as the materiel solution to respond to an Urgent Needs Statement for precision cannon munitions in Iraq. The additional procurement funding will support wartime requirements, stabilize the production profile of the program, and continue efforts to reduce unit cost. Quantities to be procured are dependent upon final negotiations with the program office as well as the total amount of the contract, but will be

generally consistent with All Up Round costs in FY07 and FY08.

(6) Project Name: Realign Air Depot Street at Tinker Gate.

Requesting Member: Congressman TOM COLE.

Bill Number: H.R. 5658.

Account: Air Force, Military Construction, Oklahoma.

Legal Name of Requesting Entity: Office of Congressman TOM COLE.

Receiving Entity: Tinker AFB.

Address of Requesting Entity: Tinker AFB, 7751 1st St, Tinker AFB, OK 73145.

Description of Request: This $5,760,000 addition to the Air Force MilCon Account will accelerate from within the FYDP the realignment of Air Depot Street at Tinker Gate. This project is fully executable in the next fiscal year, is within the FYDP, supported by the base commander, is a base priority, and has a parametric cost estimate associated with it. The existing roadway alignment poses a safety issue and does not satisfy the Anti-Force/force protection requirements. It is not in compliance with the Manual on Uniform Traffic Control Devices—extreme congestion during morning and afternoon peak traffic flows presents significant driver safety issues as exits are made from a major Interstate onto the entrance to Tinker AFB. The project also provides for a new Pass and Identification building consolidating all operations at the 24-hour gate.

EARMARK DECLARATION

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. SMITH of Texas. Madam Speaker, I submit the following:

Requesting Member: Congressman LAMAR SMITH.

Bill Number: H.R. 5658.

Account: Department of Defense, Air Force RDT&E (R–1 Line #18).

Legal Name of Requesting Entity: Texas Research Institute.

Address of Requesting Entity: 9063 Bees Cave Road, Austin, Texas 78732.

Description of Request: Provide an earmark of $2,000,000 for the Air Force's ''Improved Inspection Reliability for Optimized Maintenance Program.'' Regularly scheduled nondestructive inspection (NDI) and maintenance of Air Force aircraft requires that these key assets are removed from service for extended periods of time in addition to routine maintenance issues. This program will develop and validate model-based approaches to the measurement of inspection reliability, and data mining methods to assure continued performance over time in Air Force field and depot inspections. This will result in improved confidence in the reliability of NDI to assess damage without costly and time-consuming maintenance will increase availability and reduce maintenance costs over current practices. This one time program of $2M will use $1.7M for the development and testing of the systems and the remaining $300K will be used for required reports. As the Air Force is scheduled to decrease in manpower over the FYDP it is critical that those in the Air Force will have the tools and equipment to do complete their jobs. This project fully supports the 2008 Air Force Strategic Plan which calls for ''Smart Operations across the total Air Force'' and specifically calls for ''Efficient processes free up resources for recapitalization and modernization, increase the availability of our aircraft by reducing the time they are in Depot''—This effort is termed Air Force Smart Operations for the 21st Century (AFSO21).

RECOGNIZING THE FINE WORK OF U.S. COAST GUARD SECTOR BUFFALO AND NATIONAL SAFE BOATING WEEK (MAY 17–23, 2008)

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. HIGGINS. Madam Speaker, I rise today during National Safe Boating Week to recognize the fine work of the men and women in the United States Coast Guard and particularly the many contributions of those in USCG Sector Buffalo.

Commissioned on July 22, 2005 as a merger of the Group Buffalo, Marine Safety Office Buffalo and Marine Safety Office Cleveland commands, Sector Buffalo covers a large area of responsibility including Lake Erie from Lorain, Ohio to Buffalo, New York, the Niagara River, Lake Ontario, the Finger Lakes, the Erie Canal, and the St. Lawrence Seaway to Massena, New York.

Sector Buffalo provides many services to our region including: Search and rescue, homeland security, law enforcement, aids-to-navigation, recreational boating safety, marine environmental response, and Immigrations and Customs.

On Saturday, May 17, 2008, under the direction of Coast Guard Commander Captain Scott J. Ferguson, Sector Buffalo held their first annual East Great Lakes Water Safety Expo. According to national statistics, 700 people drown each year from recreational boating accidents—10 percent of these victims fail to wear a life jacket. Through Sector Buffalo's public outreach event, the Coast Guard spread the message about boating safety and the importance of life jackets to hundreds of Western New York residents.

The Coast Guard has been a presence in Western New York since 1818, beginning with the construction of the Buffalo Lighthouse.

Sector Buffalo currently occupies approximately 31 acres on the City of Buffalo's Outer Harbor. The Coast Guard has indicated that Sector Buffalo occupies a site that is too large for its needs and drew up a preliminary plan to upgrade facilities—some of which are over 70 years old—and consolidate them in a way that would meet its operational needs, allow for future growth and open up public access to the historic lighthouse and valuable waterfront land.

For the last 90 years the U.S. Coast Guard has honorably served our waterfront community. Thank you, Madam Speaker, for this opportunity to recognize Sector Buffalo's efforts to raise public awareness this week, National Safe Boating Week, and their many contributions protecting people along our waterways and serving as a committed community partner each and every week for the last ten decades.

THE DAILY 45: FAR ROCKAWAY

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. RUSH. Madam Speaker, every day, 45 people, on average, are fatally shot in the United States. Last Saturday, May 17, Brandon Bethea, a 15-year-old Jamaica girl was fatally shot on a Far Rockaway, New York street corner. She was shot while standing with a crowd near the Redfern Housing Projects.

Then, 2 days later and a half-mile away, while police investigated Brandon's killing, 17-year-old Tyrese Jones was gunned down in front of a local restaurant.

Two more young people, gone before they could even graduate from high school. And on both of these days, 44 other people were shot. Americans of conscience must come together to stop the senseless death of ''The Daily 45.'' When will Americans say ''enough is enough, stop the killing!''

RECOGNIZING THE 100TH ANNIVERSARY OF THE FOUNDING OF THE CONGRESSIONAL CLUB

SPEECH OF

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2008

Mr. TIAHRT. Mr. Speaker, I rise to commend the Congressional Club on the occasion of their Founder's Day Celebration and their 100th anniversary. I am grateful to the Congressional Club for embracing my family since I was elected to the House in 1994. It has played such an important role in our lives that my wife, Vicki Holland Tiahrt, served as president of the Club in 2005 and 2006, and remains very involved. This organization, founded in 1908 by a unanimous act of Congress, has provided a setting for bipartisan friendships for 100 years. The only club to be commissioned by an act of Congress, the bill was signed by Teddy Roosevelt, who knew the value of a loving wife. When his wife passed away, President Roosevelt lamented, ''The light has gone out of my life.''

It was so wise for Congress in 1908 to form the Congressional Club for wives. While never receiving any tax dollars or public money, and governed by a bipartisan board, the Congressional Club has remained a home away from home for spouses, a safe place for sharing the trials of public life, and for developing bipartisan friendships that encourage civility and good will in government. The membership and relationships extend to the administration of the White House and the Supreme Court.

A clubhouse was built in 1914 at 2001 New Hampshire Avenue, in Northeast (Washington). The land was donated by Mary Foote Henderson and chosen because the women could look south down 16th Street and see the White House. Immediately, embassies began building in that area in order to be close to the Congressional Club. The Club has been a good neighbor for nearly a century, staying when others left as the area suffered urban decay. The women paid their mortgage and

kept their property in good repair with money raised from dues and the selling of 14 published editions of the Congressional Cookbook. Due to its success, the club was able to pay off its mortgage in 1948. To commemorate the occasion, Club member and First Lady Bess Truman ceremonially burned the papers at the 40th anniversary celebration. Since that time, their funds have been given to charity, and been used to pay for the upkeep of this historic home. The presence of the Congressional Clubhouse helped promote renewal in the DuPont Circle neighborhood until finally the U Street corridor is booming and busy again. The Clubhouse is on the National Register of historic places.

This is much more than just a social club. During World War I, the women rolled bandages and kept a room at Union Station for traveling soldiers. During World War II, Eleanor Roosevelt encouraged the women to promote patriotism and public safety in their home districts as part of the war effort. After September 11, the spouses were given a briefing to share with their home districts about how to prepare their families and communities for the possibility of additional terrorist attacks.

For a century now, spouses have done inner-city charity work. Every December, a Christmas party hosts underprivileged children who celebrate the season with gifts and a holiday meal, the singing of carols and making of crafts with Congressional families. At the end of each school year, a pizza party is held at the Club for at-risk inner city children. The wives have encouraged a sense of community by honoring the local fire and police departments and hosting the annual appreciation day for local nursing home senior citizens.

They continue to contribute to the lives of Congressional families by providing orientation for spouses of newly elected Members, annually honoring the First Lady and giving tens of thousands of dollars to a charity in her name. Their regular luncheons provide programs of education and entertainment.

Also worth mentioning is the global reach of the spouses through the annual honoring of ambassadors' wives. This past week, the Congressional Club hosted over 50 countries, who modeled fashions from their native land. This extension of the hand of friendship around the world surely promotes good will and encourages understanding of our culture of freedom and equality for all people.

I would also be remiss if I did not mention the work of the Club's Anniversary Committee, and its president, my beloved wife, Vicki. They have put together a number of events celebrating the anniversary, including a ringing of the official bells of the United States Congress, a birthday cake at the annual First Lady's luncheon, and a commemorative cancellation stamp.

It is fitting that this Congress should honor the good work of our political spouses and of the Congressional Club. In a time of extreme partisanship that all too often poisons relationships and stymies legislative action, the Congressional Club serves as a poignant reminder of life without partisanship. I urge my colleagues to join me in recognizing Congressional Club and their 100 years of friendship and community service.

H.R. 5501, THE TOM LANTOS AND HENRY J. HYDE UNITED STATES GLOBAL LEADERSHIP AGAINST HIV/AIDS, TUBERCULOSIS, AND MALARIA REAUTHORIZATION ACT OF 2008

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. CONYERS. Madam Speaker, I rise to voice my strong support for H.R. 5501, the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008. This important legislation authorizes appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes, including program monitoring, operations research, and impact evaluation research of U.S. HIV/AIDS, tuberculosis, and malaria programs.

Since the HIV/AIDS epidemic began, 20 million men, women, and children have died from the disease. Forty million around the globe are HIV-positive, and each and every day, another 6,000 people become infected with HIV. Tuberculosis and malaria are devastating diseases in their own right, particularly in developing countries. However, tuberculosis (particularly drug-resistant strains) in the immunocompromised poses a particularly vexing treatment challenge.

HIV/AIDS, tuberculosis, and malaria are sometimes referred to as the ''diseases of poverty;'' without question, Africans and various peoples of African descent have been hit the hardest by this global epidemic. In three of the larger countries in the Caribbean—the Bahamas, Haiti, and Trinidad and Tobago—more than 2 percent of the adult population is living with HIV. Higher prevalence rates are found only in sub-Saharan Africa, making the Caribbean the second-most affected region in the world.

AIDS is now one of the leading causes of death in some of these countries, with Haiti being the worst affected. An estimated 16,000 lives are lost each year to AIDS in Haiti, and tens of thousands of children have been orphaned by the epidemic. As well, Haiti has the highest per capita tuberculosis burden in the Latin America and Caribbean region. After HIV/AIDS, TB is the country's greatest infectious cause of mortality of both youth and adults, resulting in 6,000 deaths annually.

What must not be overlooked in the gobal pandemic of HIV/AIDS is the need for preventative care. For example, the Act directs the United States Agency for International Development (USAID) to develop a program to facilitate availability of proven microbicides that prevent the transmission of HIV. The Act also creates linkages and requires patient referrals between HIV/AIDS and tuberculosis programs, and creates a new plan to stop tuberculosis by enhancing testing and treatment in countries with high tuberculosis rates. New tactics for attacking drug-resistant tuberculosis are also supported.

Most importantly, the Act provides funding for treatment based on scientific principles and evidence-based practices. It is our duty to battle these life-threatening illnesses, and it is inappropriate to forebear moral judgment or other inherent prejudices upon those suffering from these terrible diseases. The Act's purpose is to help provide treatment and support to those who are unable to provide these services on their own. It implores us to care for one another, for we are all brothers and sisters in the eyes of our Creator.

Madam Speaker, there is a moral imperative to combat this epidemic, and the late Congressmen Lantos and Hyde, both dear friends and colleagues, fought long and hard on this important issue. Please honor their efforts by supporting H.R. 5501, the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008.

STATEMENT ON VETERAN'S LEGISLATION

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today to talk about some important legislation that honors the sacrifice and courage of our women who have served and are currently serving in our armed forces.

The Veteran's legislation we considered today provides an opportunity for each of us, regardless of political views, religion, ethnicity, gender, or background to come together, and to recognize and honor our Nation's heroes.

We gather here today, in the midst of ongoing conflict and warfare, to celebrate the dedication of our men and women in uniform. Though we may be divided by our positions on the war in Iraq, we stand together to support our veterans. Our Nation has a proud legacy of appreciation and commitment to the men and women who have worn the uniform in defense of this country. We must be united in seeing that every soldier, sailor, airman, and marine is welcomed back with all the care and compassion this grateful Nation can bestow.

All too many of our veterans are left without the help and support they need to transition from the horrors they bravely face on the front lines of battle to successful civilian life. According to the Veterans Affairs Department, as of 2006, on any given night, 196,000 veterans of all ages were homeless.

The V.A. also reports 400 veterans of the wars in Iraq and Afghanistan alone have already become homeless, and this figure only takes into account those who have sought services from V.A.-sponsored programs. Experts have predicted that the trauma resulting from the extreme horrors of these modern wars could lead to a surge in homeless veterans in the coming years.

I chose to celebrate one of our heroic daughters of Texas, Specialist Monica L. Brown of the United States Army with House Concurrent Resolution 320 for her efforts earlier this year.

Spec. Brown was the first woman in Afghanistan and only the second female soldier since World War II to receive the Silver Star, the Nation's third-highest medal for valor. This solider from Lake Jackson, Texas is only 19 years old.

On April 25, 2007, Specialist Brown was part of a four-vehicle convoy patrolling near

Jani Kheil in the eastern province of Paktia on April 25, 2007, when a bomb struck one of the Humvees.

When Spec. Brown saw her fellow soldiers were injured, she grabbed her aid bag and started running toward the burning vehicle as insurgents opened fire. All five wounded soldiers from her platoon scrambled out. Under this commotion, she assessed her patients and moved them to a safer location because they were still receiving incoming fire.

The Pentagon's official policy is to prohibit women from serving in front-line combat roles in the infantry, armor or artillery, but the nature of the wars in Afghanistan and Iraq, with no real front lines, has seen women soldiers take part in close-quarters combat more than previous conflicts.

According to the army four Army nurses in World War II were the first women to receive the Silver Star, though three nurses serving in World War I were awarded the medal posthumously in 2007. Sgt. Leigh Ann Hester, of Nashville, Tenn., was the first to receive the Silver Star in 2005 along with two fellow male soldiers for her gallantry during an insurgent ambush on a convoy in Iraq.

The Army has stated that Spec. Brown's ''bravery, unselfish actions and medical aid rendered under fire saved the lives of her comrades and represents the finest traditions of heroism in combat.''

Though I have opposed the war in Iraq from its inception, I remain absolutely committed to ensuring that we recognize, celebrate, and honor the service of our sons and daughters returning from Iraq and Afghanistan. Our troops in Iraq did everything we asked them to do, and I firmly believe that we must commend the men and women of our military for their exemplary performance and success in Iraq.

I am proud to be a cosponsor on H. Res. 1054—Honoring the service and achievements of women in the Armed Forces and female veterans (Representative DAVIS (CA)—Armed Services) and H.R. 3819—Veterans Emergency Care Fairness Act of 2007 (Representative SPACE—Veterans' Affairs).

We are providing for our Veterans with legislation such as:

H.R. 6081—The Heroes Earnings Assistance and Relief Tax Act of 2008 (Representative RANGEL—Ways and Means).

H. Res. 986—Recognizing the courage and sacrifice of those members of the United States Armed Forces who were held as prisoners of war during the Vietnam conflict and calling for a full accounting of the 1,729 members of the Armed Forces who remain unaccounted for from the Vietnam conflict (Representative BOEHNER—Armed Services)—Recorded Vote

H.R. 2790—To establish the position of Director of Physician Assistant Services within the office of the Under Secretary of Veterans Affairs for Health as amended (Representative HARE—Veterans' Affairs).

H.R. 3681—Veterans Benefits Awareness Act of 2007 (Representative BOOZMAN—Veterans' Affairs).

H.R. 3889—To require the Secretary of Veterans Affairs to conduct a longitudinal study of the vocational rehabilitation programs administered by the Secretary (Representative BOOZMAN—Veterans' Affairs)—Passed

H.R. 5554—Veterans Substance Use Disorders Prevention and Treatment Act of 2008 (Representative MICHAUD—Veterans' Affairs)—Passed

H.R. 5664—To direct the Secretary of Veterans Affairs to update at least once every six years the plans and specifications for specially adapted housing furnished to veterans by the Secretary (Representative RODRIGUEZ—Veterans' Affairs).

H.R. 5826—Veterans' Compensation Cost-of-Living Adjustment Act of 2008 (Representative RODRIGUEZ—Veterans' Affairs)—Recorded Vote

H.R. 5856—Department of Veterans Affairs Medical Facility Authorization and Lease Act of 2008 (Representative MICHAUD—Veterans' Affairs).

H.R. 6048—To amend the Service members Civil Relief Act to provide for the protection of child custody arrangements for parents who are members of the Armed Forces deployed in support of a contingency operation (Representative TURNER—Veterans' Affairs).

I firmly believe that we should celebrate our veterans after every conflict, and I remain committed, as a Member of Congress, to both meeting the needs of veterans of previous wars, and to provide a fitting welcome home to those who are now serving. Veterans have kept their promise to serve our Nation; they have willingly risked their lives to protect the country we all love. We must now ensure that we keep our promises to our veterans.

Currently, there are over 25 million veterans in the United States. There are more than 1,633,000 veterans living in Texas and more than 32,000 veterans living in my congressional district alone. I hope we will all take the time to show appreciation to those who have answered the call to duty. As Winston Churchill famously stated, ''Never in the field of human conflict was so much owed by so many to so few.''

Madam Speaker, I encourage my colleagues to join me in supporting our troops of yesteryear and our troops of today.

HONORING WOMEN IN THE ARMED FORCES AND FEMALE VETERANS

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today to support this legislation that honors the sacrifice and courage of women in our armed forces. I would like to thank my fellow Women's Caucus member and the gentle lady from California, Congresswoman SUSAN DAVIS for introducing this legislation.

This legislation could not be more timely. Last week we failed to pass the Iraq/Afghanistan Supplemental Appropriations bill. This failure was not due to our feelings for our men and women in the armed forces but goes to the heart of where we stand with this ill-begotten war.

No matter how we voted last week, I believe that all of us, on both sides of the aisle, strongly support our men and women who are in harm's way. At this point I truly believe that only diplomacy and global cooperation can ease the tensions in Iraq and Afghanistan.

This resolution brings us back to focusing on the actual men and women in our armed forces. This is right where the focus should be.

With over 185,000 women having been deployed in support of Operation Enduring Freedom, Operation Iraqi Freedom, and other missions since 2001 and nearly 350,000 women serving in the Armed Forces make up almost 15 percent of active duty personnel and over 17 percent of the National Guard reserve forces—it is time we celebrate what women are doing in the armed forces.

Women have been aiding the U.S. war effort for years. With 34,000 women serving in World War 1, 400,000 serving in World War II, 120,000 serving in the Korean War, and well over 7,000 served in the Vietnam War—women were clearly serving in our Nation's military well before our current missions.

I chose to celebrate one of our heroic daughters of Texas, Specialist Monica L. Brown of the United States Army with House Concurrent Resolution 320 for her efforts earlier this year.

Spec. Brown was the first woman in Afghanistan and only the second female soldier since World War II to receive the Silver Star, the Nation's third-highest medal for valor. This solider from Lake Jackson, Texas is only 19 years old.

On April 25, 2007, Specialist Brown was part of a four-vehicle convoy patrolling near Jani Kheil in the eastern province of Paktia on April 25, 2007, when a bomb struck one of the Humvees.

When Spec. Brown saw her fellow soldiers were injured, she grabbed her aid bag and started running toward the burning vehicle as insurgents opened fire. All five wounded soldiers from her platoon scrambled out. Under this commotion, she assessed her patients and moved them to a safer location because they were still receiving incoming fire.

The Pentagon's official policy is to prohibit women from serving in front-line combat roles in the infantry, armor or artillery, but the nature of the wars in Afghanistan and Iraq, with no real front lines, has seen women soldiers take part in close-quarters combat more than previous conflicts.

According to the Army four Army nurses in World War II were the first women to receive the Silver Star, though three nurses serving in World War I were awarded the medal posthumously in 2007. Sgt. Leigh Ann Hester, of Nashville, Tenn., was the first to receive the Silver Star in 2005 along with two fellow male soldiers for her gallantry during an insurgent ambush on a convoy in Iraq.

The Army has stated that Spec. Brown's ''bravery, unselfish actions and medical aid rendered under fire saved the lives of her comrades and represents the finest traditions of heroism in combat.''

This legislation is not about condoning the wars in Afghanistan or in Iraq. This legislation is about us supporting and honoring our troops.

It is about this Nation's children fighting for the rights of all of us in places we do not dare to go, under environments we cannot fully appreciate from this comfortable position.

Spec. Brown reminds us that our youth are fighting in this war, our mothers and daughters are fighting in this war, and they deserve to be recognized for their achievements.

However, we not only recognize the sacrifice and courage of Spec. Brown, or even just the brave acts of her fellow soldiers, marines, and airmen. We must also recognize the

families of our military. Spec. Brown's grandmother said she was the proudest grandmother in all of Lake Jackson, Texas, when she learned of her granddaughter's heroism.

We should all be as proud of our young men and women as Spec. Brown's grandmother. In being proud of them, we are not condoning the Administration, we are recognizing their efforts and their belief in what they have been tasked to do.

We sit in these chambers and discuss the idea of war, and the economic costs to the Nation. However, our men and women in Afghanistan and Iraq are dealing with the realities of war every day. Their families are also dealing with it every day, as they have to move forward without their loved ones.

I am proud of Specialist Monica L. Brown, Texas is proud of Monica L. Brown, and this country should be proud of all the Specialist Brown's and all the women like her who have fought the equality war at home and the fight for freedom abroad.

Mr. Speaker, I encourage my colleagues to join Representative SUSAN DAVIS and myself in recognizing our women in the armed forces.

EARMARK DECLARATION

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. HAYES. Madam Speaker, I wish to submit the following earmark for the RECORD.

Requesting Member: Congressman ROBIN HAYES.

Bill Number: H.R. 5658, The Duncan Hunter National Defense Authorization Act of Fiscal Year 2009.

Account: Other Procurement Army (OPA), Training Devices—Non-System.

Legal Name of Requesting Entity: General Dynamics Information Technology.

Address of Requesting Entity: 2941 Fairview Park Dr., Suite 100, Falls Church, VA 22041.

Description of Request: This request is for authorization of $4 million FY '09 OPA funding to allow instrumentation of 12 to 14 of the remaining buildings at the Range 74 Combined Arms Collective Training Facility (CACTF) site to Combined Arms MOUT Task Force (CAMTF) standard. The Army's CAMTF training requirement provides 80 percent coverage for a generic 20–26 building site. The Ft. Bragg Range 74 CACTF consists of thirty-two (32) training buildings, only six (or 18%) of which are instrumented. Ft. Bragg's CACTF supports sixteen (16) brigade-equivalent units with six (6) instrumented buildings. Considering the XVIII ABC training throughput, the level of instrumentation currently fielded is not commensurate with the size and scope found at installations with smaller training requirements. Fort Campbell's Cassidy Urban Training Complex and Eighth Army's Rodriguez CACTF in Korea are illustrative of the Army's training strategy and feature at least 18–20 instrumented training buildings, per facility. The situation is more pronounced when you examine the troop populations at each installation. Currently, the Rodriguez site supports one maneuver brigade of the 2nd Infantry Division, while Cassidy hosts three maneuver brigades from the 101st Airborne Division. There is a compelling need to instrument another twelve to fourteen (12–14) buildings at the Ft Bragg CACTF to align it closer to the Army's standard.

Requesting Member: Congressman ROBIN HAYES.

Bill Number: H.R. 5658, The Duncan Hunter National Defense Authorization Act of Fiscal Year 2009.

Account: RDT&E, Navy.

Legal Name of Requesting Entity: Combat Displays, Inc.

Address of Requesting Entity: 100–B Industrial Drive, New Bern, NC 28562.

Description of Request: Provide an authorization of $6,800,000 for development of environmentally sealed, ruggedized avionics displays for vertical lift systems and will be done in conjunction with the Center for Vertical Lift Excellence, Marine Corps Air Station (MCAS) Cherry Point, NC in support of technology to benefit our military aviators. This request is consistent with the intended and authorized purpose of the Navy RDT&E account.

Requesting Member: Congressman ROBIN HAYES.

Bill Number: H.R. 5658, The Duncan Hunter National Defense Authorization Act of Fiscal Year 2009.

Account: Defense-Wide Procurement.

Legal Name of Requesting Entity: Raytheon Technical Services Company.

Address of Requesting Entity: 6125 E 21st St., Indianapolis, IN 46219–2058.

Description of Request: Provide an authorization of $6,000,000 to procure 80 RAMS B kits for Special Operations Forces. RAMS is a remote-controller initiator to control the activation of demolitions. This request is consistent with the intended and authorized purpose of the Defense Wide Procurement account. These kits are used extensively by United States Special Operations Command and our servicemembers in OIF and OEF.

Requesting Member: Congressman ROBIN HAYES.

Bill Number: H.R. 5658, The Duncan Hunter National Defense Authorization Act of Fiscal Year 2009.

Account: OPN Budget Activity 01, Line #19, Items Less than $5 million.

Legal Name of Requesting Entity: IMO Pump.

Address of Requesting Entity: 1710 Airport Road, Monroe, NC, USA.

Description of Request: Provide an authorization of $4 million for the procurement and installation of Canned Lube Pumps (CLP) on four LSD–41/49 Class amphibious ships. This funding will purchase 16 CLP units to complete the LSD–41 class. Approximately, $400,000 is for technical support for installation; $2.8M for the CLP units and installation; $600, 000 for battle spares; $200,000 for proto-type shipboard test for LHD class. The Navy has indicated that the total savings over the life of the LSD 41/49 class from installing the CLP is over $33.1 million and the return investment to the Navy is 394 percent. This funding will complete the procurement and installation of the Whidbey Island Class.

Requesting Member: Congressman ROBIN HAYES.

Bill Number: H.R. 5658, The Duncan Hunter National Defense Authorization Act of Fiscal Year 2009.

Account: Defense-Wide, RDT & E.

Legal Name of Requesting Entity: University of North Carolina at Charlotte (UNCC) and Northrup Grumman.

Address of Requesting Entity: UNC–Charlotte Campus in Charlotte, NC is the location of performance (where the work will be done): University of North Carolina–Charlotte, 9201 University City Blvd., Charlotte, NC 28223 and Northrup Grumman, 7323 Aviation Blvd., Mail Stop 1105, Baltimore, MD 21040.

Description of Request: Provide a $3 million authorization for Superlattice Nanotechnology research for the Department of Defense to be performed at UNC–Charlotte. Most of today's compound semiconductor devices made from silicon (Si) and silicon germanium (SiGe) have high power capabilities, but are limited by defect density and other factors affecting yield, cost and performance. One of the most promising new materials is SiC, which is used to make high power radio frequency (RF), power switching, and high current switching devices for a multitude of DOD applications. Superlattice nanotechnology can mitigate the size, yield and performance limitations of SiC by utilizing atomic level control of the SiC-on-Si growth process. This will greatly reduce the cost and improve the performance of many of the desired SiC devices. Superlattice nanotechnology will form the structure for the next dimension in RF electronics (Radar, EW, communications), radiation hard electronics (satellite, special use), and power conditioning electronics (DEW, electromagnetic gun), enabling performance levels unachievable with today's technology. Request $5.0 million be added to the President's FY09 Budget Request to continue development of silicon carbide (SiC) Superlattice Nanotechnology.

Requesting Member: Congressman ROBIN HAYES.

Bill Number: H.R. 5658, The Duncan Hunter National Defense Authorization Act of Fiscal Year 2009.

Account: Defense-Wide, RDT & E.

Legal Name of Requesting Entity: United Protective Technologies.

Address of Requesting Entity: United Protective Technologies (UPT), 4600 H Lebanon Road, Charlotte, NC 28227 and their Locust, North Carolina facility.

Description of Request: Provide a $2 million authorization for Non-Hazardous Infrared Anti-Reflective Coatings for Army Aircraft Sensors. An alternative coating to extend the service life of expensive and critical infrared range sensor windows is now available. This coating presents none of the health or environmental impacts found in other currently used Anti-reflective coatings. Prototype examples and early stage data of this new capability have been presented to the U.S. Army and have received very positive feedback. Key features include unprecedented environment stability, and excellent abrasion and erosion protection. This coating may also be used on both flat windows and on dome-shaped configurations. This coating will increase the survivability of sensor windows and reduce cost of ownership through an increase in operation life and performance. Army provided Cost/Benefit analysis shows that the windows of the AH–64 Targeting Sensor Array (TADS/PNVS) are currently demonstrating a Mean Time between Unscheduled Removal of 5031 (PNVS) and 5495 (TADS) flight hours. With the current Operational Tempo AH–64's can be expected to fly approximately 100,000 flight hours per year (total fleet). Based on the damage seen on removed windows, a conservative estimate is that this coating will cut unscheduled removals by 50%, saving $41 8,000/year for the

Apache Airframe. Other Army airframes could show a savings amounting to an additional $800,000 annually.

EARMARK DECLARATION

HON. TIMOTHY WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. WALBERG. Madam Speaker, I submit the following to the RECORD:

Name of Earmark and Amount: Multi Climate Protection System (MCPS) for the U.S. Navy and Marine Corps—$8.0 million.

Bill Number: H.R. 5658.

Account Information: Navy, OTHER PROCUREMENT, PE 0, Line 097.

Legal Name and Address of Receiving Entity: Peckham Industries, 2822 North Martin Luther King Jr. Boulevard, Lansing, Michigan 48906.

Earmark Description: The Chief of Naval Operations' FY 2000 Aircrew Systems Operational Advisory Group identified that Naval and Marine Corps aircrew personnel need an improved protective clothing system. Until the MCPS was developed and introduced in FY 2004, aircrew garments in the Navy and Marine Corps predominantly contained textiles and designs consistent with 1970s' technology. Advancements in protective fibers and garments were introduced to meet the demands on aircrews by providing moisture management, heating and cooling performance in passive and active layers and comfort via modular components.

Earmark Budget: Test and field approximately 4,689 total systems—$8,000,000; Garment Production—$3,400,000; Materials—$4,200,000; Quality Control/Fielding—$400,000; Total—$8,000,000.

The Multi Climate Protection System includes:

1 Goretex parka and 1 trouser

1 Polartec Windpro FR with Nomex Jacket and 1 Vest

1 Polartec Thermal FR with Nomex shirt, 1 overalls and 1 pants

1 Polartec Powerstretch FR with Nomex shirt and 1 pants

1 Polartec Windpro FR with Nomex face mask

EARMARK DECLARATION

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. SOUDER. Madam Speaker, the following are my explanations of each earmark in this bill. I have always released my requests. I believe all requests and detailed explanations should be part of this process. Transparency is the best protection against abuse.

Bill: H.R. 5658, The Duncan Hunter National Defense Authorization Act of Fiscal Year 2009.

Account: Airforce, Milcon, Air National Guard.

PE No.: N/A.

Line No.: N/A.

Project Name: IN Air National Guard–Fort Wayne Aircraft Shelter/Fuel Fill Project.

Entity: Indiana Air National Guard, 122 Fighter Wing.

Address: 3005 Ferguson Road, Fort Wayne IAP, IN 46809.

Amount: $5,600,000.

Justification for use of federal taxpayer dollars: Construct a two aircraft bay parking shelter addition to the existing two aircraft bay parking shelter providing a total of four parking spots under shelter as required for a base A/C Readiness Shelter. The base requires adequately sized, appropriately configured, and functional aircraft readiness shelters with supporting taxiway system to support four-ship F–16 aircraft mission requirements. Due to previous funding restraints the current shelter facility was constructed with two parking spots with a plan to add two more at a later date. Readiness shelters are necessary for mission support, operations safety, and protection of aircraft and flightline personnel from inclement weather. The project will also provide a refueler vehicle fill stand on the operational side of the railroad tracks to support the flying mission.

The 122nd is one of the premier Air National Guard units in the United States. They have a proven history with deployments during the Berlin Crisis, Desert Storm, Hurricane Katrina, Guantanamo Bay, Operation Jump Start and the current global war on terrorism in Afghanistan and Iraq. The 122nd has received four AF Outstanding Unit awards for these efforts. In addition to the 60 years of fighter expertise, the Guard Unit also has a history of safety. Currently, they have over 16,000 hours of accident free F–16 flying operations. The construction of this readiness shelter and fill stand will help the 122nd carry out their current mission and train for future endeavors.

Finance Plan: Project consists of the following: Construct reinforced concrete foundation and painted floor slab with grounding points; masonry and metal siding walls; steel frame; and standing seam metal roof; include a high expansion fire suppression system and overhead infrared heating; provide hangar style doors for drive through capability; remove existing asphalt and provide new concrete taxiway entry and exit; provide asphalt transition to the south apron area; construct stainless steel underground piping, reinforced concrete for curbed access pavement, and refueler fill stands.

Bill: H.R. 5658, The Duncan Hunter National Defense Authorization Act of Fiscal Year 2009.

Account: Procurement, Defense-wide.

PE No.: 0.

Line No.: 83.

Project Name: Multi-Band Multi-Mission Radio (MBMMR).

Entity: Raytheon Network Centric Systems.

Address: 1010 Production Road, Ft. Wayne, IN 46808.

Amount: $9,500,000.

Justification for use of federal taxpayer dollars: The AN/PSC–5D MBMMR is the U.S. Special Operations standard man-portable tactical Ultra-High Frequency (UHF) Satellite communications (SATCOM) terminal. MBMMR is the primary mission radio for Special Operations Forces (SOF) units, providing tactical and worldwide connectivity playing a key role in the GWOT. It enables SOF to communicate on a user-selected frequency 30 to 512 megahertz (MHz) utilizing a single man-pack radio with embedded communications lifeline to SOF teams operating under hazardous circumstances such as isolation from possible reinforcement by U.S. ground forces. MBMMR reduces the need for multiple man-pack radios, reducing the weight and size of communications equipment which must be carried out by SOF. U.S. Special Operations Forces have a requirement for approximately 400 additional MBMMR radios and ancillary equipment to satisfy requirements of the Global War on Terror.

The Raytheon facility in Fort Wayne is a technology leader specializing in innovative technology to make U.S. warfighters more effective and secure. With a history of innovation spanning more than 80 years, Raytheon provides state-of-the-art electronics, mission systems integration, and other capabilities in the areas of sensing; effects; command, control, communications and intelligence systems, as well as a broad range of mission support services. There are over 1,100 engineers in the Fort Wayne facility working everyday to make our soldiers the best equipped in the world. This funding will allow them to create the high-tech radios needed by Special Operations Forces.

Finance Plan: The funding would be used for procurement of 400 radios for U.S. Special Operations Forces.

Bill: H.R. 5658 The Duncan Hunter National Defense Authorization Act of Fiscal Year 2009.

Account: Army, RDT&E.

PE No.: 0602787A.

Line No.: 28.

Project Name: Orthopedic Implant Design and Manufacturing for Traumatic Injuries.

Entity: University of Notre Dame.

Address: 416 Main Building, Notre Dame, Indiana 46556.

Amount: $2,000,000.

Justification for use of federal taxpayer dollars: Approximately 40–50 percent of Army, Navy, and Marine Corps injuries in Iraq and Afghanistan require orthopedic procedures. This unusually high percentage is primarily due to improvements in body and head armor that inhibit severe trauma to internal organs—injuries which in the past would have been fatal. Limbs and joints, however, are more exposed. At the Walter Reed Army Medical Center, over 20,000 orthopedic procedures are performed annually on active duty and retired military personnel. The National Naval Medical Center performs approximately 10,000 orthopedic procedures annually. These procedures include total hip, knee, and shoulder replacement, ligament repairs, foot surgery, spine surgery, bone fixation, amputations, and prosthetic limb fixation.

Notre Dame will partner in their research with three leading orthopedic manufacturers in Warsaw, Indiana (Zimmer, Depuy and Biomet.) It is imperative the new orthopedic industry is nurtured and allowed to continually invent and develop new products not only for our soldiers but also for all Americans. As the global market continues to grow companies such as these are being pulled offshore to other nations because of the lure of cheap labor, subsidized materials and energy. Providing companies with the opportunity to further their research and development with local universities will help foster the economic environment that will keep burgeoning industries, like orthopedic manufacturing, in the U.S.

Finance Plan: Research will address soldier recovery, readiness, and quality of life in orthopedics and tissue engineering. The project addresses unmet needs in several areas, including: (1) smart orthopedic implants—such as hip, knee, and shoulder joints; (2) 3–D woven material to provide a new surface to localized damaged areas and cartilage, such as occurs in younger patients; and (3) test and evaluation of new implant designs.

Bill: H.R. 5658 The Duncan Hunter National Defense Authorization Act of Fiscal Year 2009.

Account: Army, Other Procurement Army.

PE No.: 0.

Line No.: 118.

Project Name: Select Availability Anti Spoofing Module (SAASM) Precise Positioning System (PPS) GPS Upgrade.

Entity: ITT.

Address: 1919 West Cook Road, Ft. Wayne, IN 46801.

Amount: $2,000,000.

Justification for use of federal taxpayer dollars: The program will implement software upgrades to current SAASM based GPS receivers to expedite the replacement of less secure systems in the near term. This upgrade will provide a more robust and militarized survey solution and eliminate parts obsolescence issues facing the legacy GPS-S; as well as provide the warfighter protection against today's threats from jamming and spoofing.

Improving our high-tech defense capabilities is paramount for continuing our superior military strength throughout the world. The ITT facility in Fort Wayne is one of the leading suppliers of this type of technology in the United States. Along with the SAASM System, this facility has the potential to produces 10,000 SINCGAR radios a month for our warfighters throughout the world. These dollars allow ITT to update and integrate new technology that makes our warfighters more capable and also provides them with a higher level of safety.

Finance Plan: The $4,000,000 will support the integration and test of SAASM-based GPS survey equipment for the US Army. Specifically, $1,950,000 to update and integrate real-time kinematic algorithms, and modify and test SAASM software, $550,000 to modify, integrate and test data collection software and hand-held controller, $250,000 to select and test suitable, high-precision survey antennas, and $1,250, to complete prototype systems and system test including data communications. This is all the funding needed to perform and complete the work as outlined.

Bill: H.R. 5658 The Duncan Hunter National Defense Authorization Act of Fiscal Year 2009.

Account: Other Procurement, Navy.

PE No.: N/A.

Line No.: 90.

Project name: Sonobuoys—All Types.

Entity: USSI.

Address: 4578 East Park 30 Drive, Columbia City, IN 46725.

Amount: $112.6M.

I am pleased the House Armed Services Committee has granted my request to support the President's budget and included $112.6 million for the procurement of sonobuoys. I am glad the committee has recognized the serious deficiency in sonobuoy inventories and has provided an authorization level that begins to correct the shortfall.

The Navy's Non-Nuclear Ordnance Requirement (NNOR) currently identifies annual peacetime requirements at approximately 120,000 sonobuoys of all types. Due to other priorities, the Navy has understated its sonobuoy budget requirement for several years. This has resulted in a steady decline in inventories, as well as a serious degradation in combat readiness in the airborne anti-submarine warfare (ASW) area.

ASW continues to be a core mission area of the United States Navy. Largely ignored in the aftermath of the Cold War, the ASW mission has recently re-emerged as a priority for the Navy. This change is caused by a clear recognition of the dangers inherent in the proliferation of modem, highly capable submarines to Third World countries operating in littoral waters. To ensure its ability to effectively participate in regional conflicts and the Global War on Terrorism (GWOT) by projecting power from the sea, the Navy must remain capable of defeating the submarine threat in the acoustically demanding coastal regions.

The sonobuoy remains the Navy's primary sensor for detection and localization of submarines by air ASW platforms. Launched from fixed wing and rotary wing ASW aircraft, sonobuoys provide the only means to rapidly sanitize large areas of water prior to fleet units arriving in the area. The improved technology of the modem diesel/electric submarine, operating near the coastline, makes for a significantly more difficult target than previously faced by the Navy during the Cold War. Operational planning indicates significantly higher sonobuoy usage rates over historical levels when confronted with this threat.

With fleet sonobuoy inventories continuing to decline to historic lows, ASW aviation units are necessarily limited in the number of sonobuoys available for training. This has caused a rapid decline in aircrew preparedness in the ASW mission area. This authorization level for sonobuoys addresses this issue and provides funding in line with fleet requirements and usage rates.

HONORING DAVID A. BECKERMAN AS HE RECEIVES THE 2008 TORCH OF LIBERTY AWARD

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Ms. DELAURO. Madam Speaker, today, in my hometown of New Haven, Connecticut, friends, family and colleagues will gather to pay tribute to one of our community's most outstanding citizens. I am proud to stand today and join the Connecticut Anti-Defamation League as they honor David A. Beckerman with the 2008 Greater New Haven Torch of Liberty Award.

Our communities would not be the same without the efforts of individuals whose work benefits our families and neighborhoods. Each year, the Connecticut Anti-Defamation League presents the prestigious Torch of Liberty Award to an outstanding leader in the community, recognizing their unique commitment and dedication. David is a remarkable reflection of the spirit of community service. With extraordinary compassion and generosity, David has touched the lives of many throughout the Greater New Haven community.

A respected civic and business leader, David is the Founder and Chairman of the Board of Acorn Group, a corporate real estate management and development company, as well as Founder and Chairman of Community One, an organization which benefits the seven constituent agencies of the Jewish Federation of Greater New Haven. To say that David is a dedicated member of our community would be an understatement. There are numerous nonprofit and service organizations which have also benefitted from his experience, wisdom, and compassion—too many to list. His compassion and civic engagement serves as an inspiration to all of those fortunate enough to have the opportunity to work with him.

David is perhaps best known for his passion for basketball. As a young man of 15 a spark was ignited when he, as a member the Jewish Community Center's team, won a National JWB Championship. He was a coach at the JCC for 25 years and then 11 more at Hamden Hall where he coached his team to victory in 8 New England Championships and 6 league championships. For the last 4 years he has been coaching at Pine Crest School in Ft. Lauderdale, Florida, where he has led the team to two district championships, two regional championships, and just this year, the school's first State championship. It is not difficult to see why he was recently named Florida's Coach of the Year.

David's passion for basketball and working with young people is not about winning a game. It is about teaching his kids about teamwork, hard work, camaraderie, and commitment to excellence—valuable lessons that will serve them well throughout their lives. Through his work with young people, his efforts with civic organizations, and his own strong work ethic, David is a reflection of all that the Torch of Liberty Award stands for and sets a standard to which we should all strive.

Together with his wife, Ruthann, their 5 children, and 10 grandchildren, it is my honor and privilege to stand today to join the Connecticut Anti-Defamation League and the New Haven community in paying tribute to David A. Beckerman for his invaluable contributions. Every community should be so fortunate as to have such a selfless, dedicated individual who so willingly commits his time and energy to enriching the community and improving the quality of life for all.

INTERNATIONAL FOOD CRISIS AND HAITI

SPEECH OF

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mrs. CHRISTENSEN. Madam Speaker, I could not travel to Haiti with my colleagues last week, but I have been there several times over the past 12 years, and it breaks my heart to see a country which ought to have had so much promise in the critical state it now is. I have to agree with what I have heard from many Haitians, that the day to day existence of the people is worse than it ever was during the Duvalier period.

The people of Haiti welcomed the democracy our country helped to bring. They participated enthusiastically in the electoral process.

They were patient as they waited for the assistance that never came in full.

Today they are in the middle of a terrible food crisis—one that we can and must do what we can—and we can do a lot—to abate.

The food crisis in Haiti is responsible for recent riots, killings, and the ousting of the country's prime minister. In just the past few weeks, five Haitians and one United Nations worker were killed in the violent protests stemming from the overwhelming food shortage. The situation, which has been labeled a ''silent tsunami'' by the U.N. World Food Programme, has not received the attention and action it warrants.

Haiti is our neighbor. In my estimation, we have not done all that we could and should have to avert this and every other crisis it has faced in recent years. The instability that is increasing every day, not only threatens the life of every Haitian but can destabilize the region and send adverse ripples here.

Madam Speaker, I applaud the current administration's commitment to provide $200 million in emergency food aid. I implore my colleagues to join me in urging the President to commit no less than $60 million of the $200 million for Haiti.

We need to pass the HERO Act to provide investment and create jobs.

I am also calling on this Congress to pass Temporary Protected Status for the people of Haiti in this time of great peril. In the face of the inequity in treatment of Haiti under immigration, it is the least we can do.

It is time for the United States to take seriously our obligation as the lead Nation in this hemisphere and assist our neighbor in this time of extreme need.

SENSE OF HOUSE REGARDING FOSTER PARENTS

SPEECH OF

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. LEWIS of Georgia. Mr. Speaker, I rise today as a proud cosponsor of H. Res. 1185, recognizing National Foster Care Awareness Month.

Today, more than half a million children nationwide are living in foster care. Like children everywhere, these vulnerable young people need the safety and security of a permanent family. For many children who cannot be reunited with their parents, that means joining a new family through adoption.

Across the country there are families who have adopted children and youth from the foster care system. One of those outstanding persons is my constituent Ms. Ann Carnegie in Atlanta who has dedicated her life to the service of others. She is one of many hard-working Americans determined to make a difference for the next generation.

Ms. Carnegie became a single mother when she adopted three children. She began as a foster parent for Bernard and Latrice. Both had already spent 5 years in foster care and had special needs; Ms. Carnegie knew that if the opportunity presented itself that she would want to adopt them.

Bernard is an intelligent, artistic young man who aspires to work with computer animation one day. Latrice is a French honors student who hopes to become a lawyer. Everyone in this loving family takes time to play cars and dinosaurs with their youngest brother Matty. I have faith that all the children in the Carnegie family will fulfill their dreams one day.

Every year, the Carnegie family celebrates the children's adoptions with a special celebration. There are many important pieces of legislation that we both support that will improve child welfare services and strengthen America's families.

I have the privilege to serve on the Income Security and Family Support Subcommittee under the leadership of my good friend, the Gentleman from Washington, Mr. MCDERMOTT. I know that all of us on the Subcommittee share a commitment to protect and improve the future of those in the child welfare system.

We must do all we can to help children living in foster care join loving families like the Carnegies, and I look forward to supporting reforms this year. Initiatives like the federal Adoption Incentive program encourages states like mine to finalize more adoptions of children from foster care, but there is more that can be done. Children in foster care have waited long enough.

Mr. Speaker, I urge all of my colleagues to support this important resolution today, and to give strong consideration of the many legislative proposals to improve the lives of children in foster care.

INTERNATIONAL DAY OF SOLIDARITY WITH THE PEOPLE OF CUBA

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. WILSON of South Carolina. Madam Speaker, today, May 21, is being designated as the International Day of Solidarity with the people of Cuba. On this day we recognize the plight of political prisoners in Cuba and the threats to human rights that still exist in that nation.

For almost 50 years, Fidel Castro ruled Cuba with an iron-fist. While he recently stepped down as President, the Communist dictatorship he headed still remains under his brother Raul, The stranglehold this regime has upon its people, its economy, and many facets of daily life is unacceptable. This form of oppression stifles the human spirit and denies progress and prosperity.

On this date, the international community should speak with one voice to the people of Cuba that we understand their struggle. As a Nation built upon the foundation of freedom from tyranny, the United States must continue to lead the way in bringing democracy and freedom to the people of Cuba.

AIRLINE FLIGHT CREW TECHNICAL CORRECTIONS ACT

SPEECH OF

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2008

Ms. WOOLSEY. Mr. Speaker, I want to congratulate Mr. BISHOP on successfully bringing this bill to the floor, and I am proud to be an original cosponsor of this legislation. This change to the Family and Medical Leave Act (FMLA) is long overdue and clarifies the original intent of the law passed in 1993, to ensure that airline flight crews have access to job-protected unpaid family and medical leave. The Workforce Protections Subcommittee, which I chair, held a hearing in April celebrating the 15th anniversary of the FMLA. And at the hearing we did celebrate the difference that job-protected family and medical leave—even if it is unpaid—has made in people's lives. But we all recognized that the law is in need of improvement.

We need paid leave and we need to expand FMLA to include airline flight crew. Jennifer Hunt, a 19-year flight attendant with U.S. Airways testified at the Subcommittee to the importance of family and medical leave and how thousands of flight attendants, including Jennifer herself, are unable to take advantage of this benefit.

Then she told us her story. In December, 2007, Jennifer's husband, John was diagnosed with prostate cancer and Jennifer needed time out from her full-time schedule to attend his medical appointments and be with him for his surgery and recovery. But without FMLA leave, Jennifer was stuck. She was able to adjust her schedule to be with John during his surgery. However, she returned to work as soon as John was out of the hospital and had to rely on friends and family to assist in his care and the care of her two young children.

FMLA job-protected leave is essential to hardworking airline personnel who face the same challenges as other workers do in balancing their work and family. I am so pleased that Mr. BISHOP's bill will provide them with this important benefit.

SALUTING THE STATE OF ISRAEL'S 60TH BIRTHDAY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. RANGEL. Madam Speaker, it gives me great pleasure to wish the State of Israel a chag sameach and happy birthday on its 60th anniversary of independence.

Over the past 60 years, Israel has exhibited strong and unparalleled growth in every aspect: governmentally, educationally, culturally, economically, industrially, and militarily. Today she is as strong as she has ever been. The state's population is nine times what it was in 1948, the year she declared her independence. It is hard to imagine that in the earlier part of the 20th century she was nothing but a swampy British colony.

Governmentally, Israel's democracy is alive and well. It is the only democracy with free and fair elections in the Middle East. Israel has some of the world's top universities and its citizenry is highly educated. According to the state's Census Bureau, in 1948, 208 people received degrees from the country's two universities; 2 years ago, 53,000 people received degrees from 62 local colleges and universities. Eight Israelis are Nobel Prize laureates.

Israel's diverse population, which is composed of immigrants from countries throughout

the world, has contributed to its rich culture of arts, music, and literature. Economically, Israel is considered to have one of the most advanced economies in Southwest Asia.

Industrially, Israel has managed to become completely self-sufficient despite its lack of natural resources and small size. This has been thanks to its groundbreaking technological advances in agriculture and its hard-working Zionist pioneers. Militarily, despite the country's size, its army is one of the most superior in the world.

Israel is and will continue to be a key and necessary ally of the United States. The cross-Atlantic friendship shared by our countries is critical to both our democracies. I recognize Israel's contributions toward rooting out terrorism and salute its citizenry for their resilience and bravery.

As the state turns the page and moves into a seventh decade of independence, I hope and pray that a future with peace and prosperity for all of the people in the region is on the horizon.

RECOGNIZING THE 100-YEAR ANNIVERSARY OF THE DIVINE PROVIDENCE CATHOLIC CHURCH

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. KNOLLENBERG. Madam Speaker, I want to recognize the Divine Providence Catholic Church as their parish celebrated their 100-year anniversary on April 27, 2008. The church has served as a foundation for the Lithuanian community in Southfield, Michigan.

The parish came to be when an energetic priest, Kazimieras Valaitis, and the Lithuanian Society of St. George, built a wooden church at Westminster and Cardoni, in what is now considered the deep inner city of Detroit. Not surprisingly, it was named St. George's Lithuanian Church. The number of parishioners quickly outgrew the facility, and in 1917 the parish built a new, brick St. George's in the same vicinity. The parish was the center for numerous organizations and activities of the Lithuanian community in Detroit and had committees actively involved in building, fundraising and general governance.

In the 1940's, as the demographics in Detroit were shifting, many of the parishioners were moving into the suburbs around the city. As a result, in 1949, the parish built a new church at Schaefer and Grand River in Detroit. Because the original St. George's church was still active in the local community, the parishioners chose "Divine Providence Lithuanian Church" as the new name.

In 1967, Divine Providence was informed that the church was to be demolished to make way for the Jeffries Freeway. A new site was selected at 9 Mile Road and Beech Daly, and despite the Vatican's attempt to consolidate the church into a territorial parish, the new complex was dedicated on September 8, 1973. Thanks to the tireless work and dedication of parish committees, and later parish councils, Divine Providence continues to be a cultural center to this vibrant community.

Madam Speaker, Divine Providence has been a beacon of hope for the Lithuanian community. I congratulate them on their 100-year anniversary and wish them many more years of prosperity.

HONORING FATHER MICHAEL ZUFFOLETTO

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. REYNOLDS. Madam Speaker, it is with great pride that I rise today to honor a truly respected and dedicated public servant. Father Michael Zuffoletto who recently decided to retire, has not only served as a teacher and coach, but he has also served as a chaplain for our brave men and women of the United States Navy. Father Zuffoletto a native of Buffalo, New York has been, and will continue to be, an embodiment of compassion and virtue.

Father Zuffoletto was ordained into the priesthood for the Diocese of Buffalo in 1972, and received his Masters in Educational Administration from Canisius College in 1979. He would go on to teach religious studies at local Catholic schools, and coach various sports teams.

In 1984, Father Zuffoletto reported to Navy Chaplain School. Father Zuffoletto quickly began serving on tours of duty; in fact, Father Zuffoletto has served on over ten different tours throughout the world, including to the coast of Japan, Guantanamo Bay, Cuba, and the Arabian Gulf. Father Zuffoletto even served as chaplain for President George H.W. Bush during the 50th anniversary memorial of the attack on Pearl Harbor. As a chaplain, Father Zuffoletto oversaw the religious and spiritual formation of thousands of service men and women as well as provided Mass and the sacraments all over the world.

Of his many service awards, Father Zuffoletto is the recipient of the Meritorious Service Medal, the Navy/Marine Corps Commendation Medal, and the Navy/Marine Corps Achievement Medal. Recently, Father Zuffoletto has also served as Chaplain General of the Navy Order of the United States, chaplain for the Knights of Columbus Council 9486, the Italian Federation, and the John Paul II Foundation of Monterey.

In his free time, Father Zuffoletto has served as an off-ice official for the National Hockey League, the American Hockey League, the East Coast Hockey League and the Atlantic Coast Hockey League.

Father Zuffoletto is remarkable, in every sense of the word, and has shown all of us the importance of true compassion, loyalty, and faith.

Madam Speaker, in recognition of Father Michael Zuffoletto's tremendous contributions to our great nation, I ask this Honorable Body to join me in honoring him, in grateful appreciation for his extraordinary service to the people of Western New York and to the people of this country.

EARMARK DECLARATION

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. DAVIS of Kentucky. Madam Speaker, The following provides information about earmarks which I have secured through the National Defense Authorization Act for Fiscal Year 2009 as reported out of the House Armed Services Committee and which will be considered by the House of Representatives on May 21–22, 2008.

Requesting Member: Congressman Geoff Davis.

Bill Number: H.R. 5658.

Account: Other Procurement, Army.

Legal Name of Requesting Entity: Kentucky Army National Guard.

Address of Requesting Entity: Boone National Guard Center, 100 Minuteman Parkway, Frankfort, KY 40601.

Description of Request: Authorize $1,500,000 for the Virtual Convoy Operations Trainer (VCOT). During FY 09 the Army National Guard will begin fielding the VCOT, which is an upgraded version of the previous HMMWV and Tactical Truck Convoy Trainer. VCOT fielding is the Army National Guard's number one priority for convoy training procurement. The VCOT has been enhanced to allow convoy soldiers to leave their vehicles and conduct independent dismounted operations that will greatly assist training in the identification and disposition of IEDs on the battlefield. Also, the VCOT allows training on several types of vehicles and with various types of weapons. Without this program, our soldiers will continue to have fewer trainers than needed to train counter-IED drills, immediate action drills and convoy operations.

This authorization will allow the KYANG to purchase a VCOT.

During current operations in Iraq, more soldiers have been killed or wounded during convoy operations than at any other time. The VCOT provides the best convoy training available, and it includes training in dismounted operations and combat actions on virtual terrain that includes Baghdad, Tikrit, Samarra, Kabul, and Kosovo.

Requesting Member: Congressman Geoff Davis.

Bill Number: H.R. 5658.

Account: Other Procurement, Army.

Legal Name of Requesting Entity: DRS Technologies, Inc.

Address of Requesting Entity: 7375 Industrial Road, Florence, KY 41042–2911.

Description of Request: Authorize $2,200,000 for procurement of Multi-Temperature Refrigerated Container Systems (MTRCS). MTRCS is the follow-on generation of refrigeration systems. It provides the capability to transport and store both refrigerated and frozen products in a single container. It consists of an insulated 8′ x 8′ x 20′ International Organization for Standardization shipping container with an engine-driven refrigeration unit that will allow operation on the move. The two compartments are separated by a moveable partition varying proportions of refrigerated versus frozen products resulting in maximum loading of the container.

MTRCS is used principally by subsistence units. It will also be used by medical units for transport and storage of refrigerated medical supplies, including blood products.

The benefit to DOD is more efficient space utilization and reduced transportation requirements. Fewer vehicles will be required to transport food on the battlefield, reducing the number of soldiers exposed to danger from IED's, etc.

The Army Acquisition Objective for MTRCS is 4432 systems, but only 1050 are funded in

the FY08–13 Future Years Defense Plan. This earmark would authorize procurement of an additional twenty systems.

Requesting Member: Congressman GEOFF DAVIS.

Bill Number: H.R. 5658.

Account: Research, Development, Test & Evaluation, Army.

Legal Name of Requesting Entity: Ashland Inc.

Address of Requesting Entity: 50 E. River Center Blvd, Covington, KY 41012–0391.

Description of Request: Authorize $300,000 to develop advanced, environmentally-friendly, nano-based rust-corrosion-UV protective spray coatings based upon the Lotus Effect. Such coatings could prevent moisture and associated oxygen from getting to a surface and causing rust or corrosion. These surface-protective coatings would be comprised of materials that are environmentally-benign and durable.

The U.S. military owns vast amounts of equipment and vehicles that see considerable amounts of storage time. This equipment must be either stored indoors or chemically-treated for protection in outdoor storage. Even treatment of equipment for indoor storage adds a significant level of added protection for long-term storage that is non-climate-controlled. Typically, the chemicals used to protect equipment in outdoor storage are not highly-durable thus requiring maintenance and are also typically environmentally noxious or even highly toxic.

Approximately, $200,000 is for development of the Nano-particle Protectant Systems and $100,000 is for development of the Dispersion and Delivery systems. A nano-particle protectant ''system'' is a combination of chemicals that work together to provide the desired protective coating. A dispersion and delivery system is the liquid dispersing system (mixture of liquids) needed to disperse that combination of chemicals. A key element is the equipment to spray the coating on the equipment surface.

Requestinig Member: Congressman GEOFF DAVIS.

Bill Number: H.R. 5658.

Account: Research, Development, Test & Evaluation, Army.

Legal Name of Requesting Entity: Ashland Inc.

Address of Requesting Entity: 50 E. River Center Blvd, Covington, KY 41012–0391.

Description of Request: Authorize $2,200,000 to continue development of advanced coolant and lubricant systems utilizing nano-particle systems to enhance the capabilities of military ground vehicles and simplify supply logistics. FY09 will be the third year of this project. The focus will be on transition to commercial production and final testing of stable nanofluids with improved cooling and lubrication properties while meeting all environmental requirements and making these processes commercially scalable.

Approximately, $400,000 will be used to transition production from development to commercial scale; $1,000,000 will be used for engine and vehicle dynamometer testing; and $800,000 is for field demonstrations. A dynamometer is a device that absorbs the power of an engine in the absence of a vehicle to move. The test engine to be used is the new production engine for the HMMVW that has been the engine of choice for that vehicle for the past several years. A test cell is a physical container or room that is properly outfitted for housing an engine-dynamometer combination for controlled and safe operations. Field testing of the nanofluids will occur through use of the HMMWV vehicle with the Optimizer 6500 Turbo-Diesel engine under extreme arctic and desert conditions.

Military vehicles are designed to meet exceedingly strict and arduous cooling, lubrication and overall performance requirements. One of the goals of the Tank Automotive Command is to increase the performance and durability of engines, power trains and their component parts to support Army transformation in the areas of system mobility, durability, reliability and survivability and may ultimately serve to reduce the logistics cost burden for the Objective Force.

Requesting Member: Congressman GEOFF DAVIS.

Bill Number: H.R. 5658.

Account: Research, Development, Test & Evaluation, Army.

Legal Name of Requesting Entity: STARCON.

Address of Requesting Entity: 11631 U.S. Route 23; Catlettsburg, KY 41129.

Description of Request: Authorize $1,000,000 to develop the Cyber Forensics and Tracking Capability (CFTC) tool to support the Department of Defense cyber security operations for protecting digital forensic data for computer and network systems to counter emerging adversary threats. The primary objective of CFTC is preventing emerging cyber adversary techniques, called counter-forensics, whereby the criminal disguises and removes any trace of his illicit and potentially destructive network and computer activities. The CFTC will be demonstrated and tested through field exercises, technology demonstrations and other initiatives. CFTC is envisioned as an important part of the arsenal of cyber security solutions to thwart, track and prosecute adversaries.

CFTC operates in a network-centric environment using existing conventional computing platforms. CFTC is another cyber asset to protect critical systems and networks against increasingly sophisticated adversaries.

Requesting Member: Congressman GEOFF DAVIS.

Bill Number: H.R. 5658.

Account: Operations & Maintenance, Air Force.

Legal Name of Requesting Entity: TiER1 Performance Solutions, LLC.

Address of Requesting Entity: 6 East 5th Street, Suite 400, Covington, KY 41011.

Description of Request: Authorize $3,000,000 for the Engineering Training and Knowledge Preservation System (ETKPS). The Air Force is facing significant turnover in its senior technical personnel. The Air Force Materiel Command (AFMC) could lose as many as sixty percent of its top engineers over the next three to five years.

Preserving the knowledge base is essential to AFMC and will be a massive undertaking requiring processes and tools to capture operational, technical, and critical thinking knowledge. Integrating the ability to capture, store, align, and transfer knowledge to the next generation workforce through a single, secure Web-based knowledge and training portal is necessary. Functionality of this solution must include the ability to track an individual's skills across competencies throughout his/her career; evaluate all existing training and compare the cost-benefits of competing training approaches; allow experienced personnel to easily create new training and knowledge content in accordance with pre-defined standards; plug into existing defined competencies and skill requirements and capture knowledge from subject-matter-experts to address these; link novices to experts in real-time through a virtual Web Center; categorize, organize and search all knowledge and information across the enterprise; deliver assessments to determine skill proficiencies; deliver information in a variety of ways—through distance learning, on-line reference systems, technical manuals, job aids, mobile devices and other tools. FY 09 will be year four of this ongoing project.

Approximately, $50,000 will be used for requirements analysis; $125,000 will be used for functional design; $225,000 will be used for enhanced feature development; and $250,000 is for USAF system integration; $450,000 is for user acceptance testing; and $1,900,000 is for USAF selected site development. Requirements analysis is an ongoing rigorous process to ensure the product meets the very specific needs of the Air Force Materiel Command (AFMC). Functional design results in a document used to inform and gain agreement that what is being developed will satisfy the AFMC user requirements. Enhanced feature development results in a prototype developed per the functional design which is presented to AFMC for testing and feedback. USAF system integration establishes proper interfaces between the ETKPS system and existing Air Force IT systems. User acceptance testing is used to evaluate the quality and usability of the product. USAF selected site development will result in the deployment of ETKPS to six Air Force bases insuring consistency across all bases.

These system capabilities will enable AFMC to organize and align information to support on-going training and development of its total workforce. Funding for this effort is critical to AFMC for maximizing the effectiveness and efficiency of retaining existing knowledge capital and for building effective training programs that support the development of new personnel.

BAHA'I LEADERS ARRESTED IN TEHRAN

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. WOLF. Madam Speaker, I continue to be extremely concerned about the treatment of Baha'is in Iran. Recent reports indicate that on May 14, Iranian intelligence agents forcibly raided the homes and subsequently arrested six of seven prominent members of the Baha'i leadership in Tehran. The seventh member of the leadership group was arrested 2 months ago in Mashhad. They have reportedly been taken to the notorious Evin prison in Tehran. Many former prisoners have given horrifying accounts of the abuse, torture, and rape that takes place inside the prison walls.

The Baha'is are Iran's largest non-Muslim religious minority and have faced continuous persecution since the government banned all formal Baha'i activity in 1983. Under President

Ahmadinejad, harassment, attacks and arrests of Baha'is have become increasingly common.

In the early 1980s, 17 Baha'i leaders were arrested and either executed, abducted and disappeared in a systematic campaign to eliminate Baha'i influence in Iran. I pray that this is not the fate of the six arrested this past week.

Iran continues to break its promises to the international community. I call on the international community to follow the lead of the U.S. State Department and strongly condemn the unwarranted arrests and detention of the Baha'i leadership.

RECOGNIZING THE MILITARY FAMILIES OF NEW JERSEY'S EIGHTH CONGRESSIONAL DISTRICT

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. PASCRELL. Madam Speaker, I would like to call to your attention the great Military Families of one of the great communities in New Jersey's Eighth Congressional District, the Township of Livingston in the County of Essex. These families, with the help and support of various veterans and civic groups throughout Livingston, strive to support their loved ones as they serve their Nation many miles from home.

It is only fitting that these patriotic citizens and their courageous family members be honored in this, the permanent record of the greatest democracy ever known, for their efforts in support of the brave servicemen and women who are fighting every day to help ensure that people everywhere have the right to live in peace and safety.

Livingston has a long and glorious history among the towns of New Jersey, and its residents have always been willing to do whatever was needed to defend American ideals. Their families have led the way in supporting their efforts, keeping the home fires burning, sending care packages as well as their prayers. At this time there are over twenty-five families whose loved ones currently serve our Nation in all branches of the military. I would especially like to commend the families of the following:

Nicholas Albicocco, Aaron Attermann, Jeffrey Cushman, Louis Del Tufo, Daniel Devlin, Michael Goldfarb, John Rey Julian, Daniel Oliva, Eric Powell, Lee Tam, Robert Tilley, Mikel Weich, Adam Winter, Charles Garbarino.

Brian Asman, Christopher Courter, Shea Datz, Joshua Denton, Jonah Eisenstark, Ryan Healy, John D. Kramer, Scott Perry, Steve Roman, Grant Thompson, John Tomcyzk, Scott Wild, and Michael Wishnia.

The job of a United States Congressman involves much that is rewarding, yet nothing compares to learning about and recognizing outstanding citizens such as these who are making the greatest of sacrifices for the sake of our Nation.

Madam Speaker, I ask that you join our colleagues, the citizens of the Township of Livingston, and me in recognizing the outstanding contributions of these families to the United States of America.

EARMARK DECLARATION

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. CALVERT. Madam Speaker, I have received congressional authorization in the House-passed version of the National Defense Authorization Act for Fiscal Year 2009 for two projects in California's 44th Congressional District which are described as follows:

Requesting Member: Congressman KEN CALVERT.

Bill Number: H.R. 5658.

Account: Standards Development—Research, Development, Test & Evaluation, NAVY.

Legal Name of Requesting Entity: Naval Surface Warfare Center, Corona Division.

Address of Requesting Entity: Naval Surface Warfare Center Corona Division, 2300 Fifth St., Norco, CA 92860.

Description of Request: I have received congressional authorization in the House-passed version of the National Defense Authorization Act for Fiscal Year 2009 (NDAA FY09) for a requested project in the amount of $2,000,000. The authorization is for a project which would continue work in the areas of Primary and Depot Maintenance calibration standards. Specifically the work will be done in the technology areas of Nuclear, Biological and Chemical (NBC), electro-optics, and physical-mechanical. The purpose of the work is to ensure measurement accuracy in support and maintenance of new advanced technology weapon systems, current weapon systems and associated support equipment. Specifically, the funding also continues efforts of calibration standards (hardware) in support of Nanoscale Dimensional Standards using Atomic Force Microscopy (AFM). Standards developed through this ongoing program provides continued measurement support and capability to ensure that our nation's advanced weapon systems operate as designed and detectors accurately recognize threats.

Requesting Member: Congressman KEN CALVERT.

Bill Number: H.R. 5658.

Account: Defense Wide—Research, Development, Test & Evaluation.

Legal Name of Requesting Entity: Center for Nanoscale Science and Engineering, University of California, Riverside.

Address of Requesting Entity: 900 University Avenue, Riverside, California 92521.

Description of Request: I have received congressional authorization in the House-passed version of the National Defense Authorization Act for Fiscal Year 2009 (NDAA FY09) for a requested project in the amount of $3,000,000 for 3–D-electronics technology. This project aims to take advantage of recent advances in nanomaterials and nanodevices to begin to address the issue necessary to take the electronics industry beyond the two-dimensional silicon based devices and wiring and to develop high density, 3D-electronics technology together with associated packaging, portable power sources and heat dissipation solutions. UC Riverside has substantial expertise in the development of nanomaterials that offer extraordinary properties when properly engineered for these applications. The proposed effort will fund technology development studies in the following five areas: 3D integration of RF and Digital technologies; materials development for thermal management; materials development for 3D wiring; materials development for multi-technology isolation; and development of process equipment for advanced 3D processes and materials manufacturing. The availability of new approaches to very high density electronics and compact power sources that are built from the new generation of nanomaterials will greatly aid the DoD mission in providing advanced electronics and power in the battlefield.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 22, 2008 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 3

9:30 a.m.
Armed Services
To hold hearings to examine the acquisition of major weapons systems by the Department of Defense.
SD–106

JUNE 4

9:30 a.m.
Veterans' Affairs
To hold an oversight hearing to examine systemic indifference to invisible wounds.
SR–418

10 a.m.
Judiciary
To hold hearings to examine ways to improve the detainee policy, focusing on handling terrorism detainees within the American justice system.
SD–226

JUNE 5

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine off-highway vehicle management on public lands.
SD–366

JUNE 26

9:30 a.m.
Veterans' Affairs
Business meeting to mark up pending calendar business.
SR–418

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S4559–S4707

Measures Introduced: Three bills and four resolutions were introduced, as follows: S. 3045–3047, S.J. Res. 33, S. Res. 572–573, and S. Con. Res. 83.

Page S4621

Measures Passed:

Accountability for Abuses in Somalia: Committee on Foreign Relations was discharged from further consideration of S. Res. 541, supporting humanitarian assistance, protection of civilians, accountability for abuses in Somalia, and urging concrete progress in line with the Transitional Federal Charter of Somalia toward the establishment of a viable government of national unity, and the resolution was then agreed to. **Pages S4705–06**

Recognizing Cuba Solidarity Day: Senate agreed to S. Res. 573, recognizing Cuba Solidarity Day and the struggle of the Cuban people as they continue to fight for freedom. **Pages S4706–07**

Military Construction and Veterans Affairs Appropriations—Agreement: A unanimous-consent-time agreement was reached providing that at approximately 9:30 a.m. on Thursday, May 22, 2008, Senate resume consideration of the House message to accompany H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and there be 2 hours of debate equally divided and controlled between the Majority Leader and Republican Leader, or their designees; that upon the use or yielding back of time, the motion to invoke cloture with respect to the Reid Motion to Concur in House Amendment No. 2 with Reid Amendment No. 4803 be withdrawn, Reid Amendment No. 4804 also be withdrawn, and Senate then vote on adoption of the Reid Motion to Concur with an amendment in House Amendment No. 2 with Reid Amendment No. 4803; provided further, that the Reid Motion to Concur be subject to an affirmative 60-vote threshold and that if the motion achieves that threshold, it be agreed to and the motion to reconsider be considered made and laid upon the table; provided further, that if the motion fails to achieve the 60-vote threshold, it be withdrawn, and the Majority Leader be recognized to move to concur in House Amendment No. 2 with an amendment which is the text of the Webb GI bill, the motion be subject to an affirmative 60-vote threshold, and that if it achieves that threshold, the motion to concur with an amendment be agreed to and the motion to reconsider be considered made and laid upon the table; provided further, that if the motion fails to achieve 60 affirmative votes, it be withdrawn, and Senate disagree to House Amendment No. 2; that upon disposition of House Amendment No. 2, the Majority Leader be recognized to move to concur in House Amendment No. 1 with an amendment which is the text of the Committee-reported Amendment Nos. 2 and 3 on Iraq policy and funding; that the Senator Sanders then be recognized to make a Rule XVI point of order against Section 11312 of the motion to concur in House Amendment No. 1 with an amendment and that if the point of order is sustained, the Majority Leader be recognized to move to concur in House Amendment No. 1 with an amendment which is the text of Committee-reported Amendment Nos. 2 and 3 without section 11312, that the motion be subject to a 60 affirmative vote threshold, and that if it achieves that threshold, it be agreed to, and the motion to reconsider be considered made and laid upon the table; provided further, that if the motion fails to achieve the 60-vote threshold, it be withdrawn, and the Majority Leader be recognized to move to concur in House Amendment No. 1 with an amendment which is the text of Committee Amendment No. 2 without section 11312, that the motion be subject to an affirmative 60-vote threshold, and that if the motion achieves that threshold, it be agreed to, and the motion to reconsider be considered made and laid upon the table; provided further, that if the motion fails to achieve that threshold, it then be withdrawn, and the Senate disagree to House Amendment No. 1; further, that no further points of order be in order, with no intervening action or debate. **Page S4705**

Messages from the House: **Pages S4616–17**

Measures Referred: Page S4617

Measures Placed on the Calendar: Pages S4559–60, S4617

Executive Communications: Pages S4617–18

Petitions and Memorials: Pages S4618–21

Additional Cosponsors: Pages S4621–23

Statements on Introduced Bills/Resolutions: Pages S4623–27

Additional Statements: Pages S4615–16

Amendments Submitted: Pages S4627–S4704

Authorities for Committees to Meet: Pages S4704–05

Privileges of the Floor: Page S4705

Adjournment: Senate convened at 9:30 a.m. and adjourned at 9:39 p.m., until 9:30 a.m. on Thursday, May 22, 2008. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S4707.)

Committee Meetings

(Committees not listed did not meet)

LOW-CARBON ECONOMY

Committee on Agriculture, Nutrition, and Forestry: Subcommittee on Rural Revitalization, Conservation, Forestry, and Credit concluded a hearing to examine efforts to create jobs with climate solutions, focusing on the ways agriculture and forestry can help lower costs in a low-carbon economy, after receiving testimony from Dick Wittman, Agricultural Carbon Market Working Group, and Derik Broekhoff, World Resources Institute, both of Washington, DC; Laurie A. Wayburn, Pacific Forest Trust, San Francisco, California; Ruben N. Lubowski, Environmental Defense Fund, New York, New York; and Steven Corneli, NRG Energy, Inc., Princeton, New Jersey.

BUSINESS MEETING

Committee on Environment and Public Works: Committee ordered favorably reported the following:

S. 2766, to amend the Federal Water Pollution Control Act to address certain discharges incidental to the normal operation of a recreational vessel;

S. 1499, to amend the Clean Air Act to reduce air pollution from marine vessels;

S. 2555, to permit California and other States to effectively control greenhouse gas emissions from motor vehicles;

S. 2844, to amend the Federal Water Pollution Control Act to modify provisions relating to beach monitoring, with amendments;

S. 2707, to amend the Chesapeake Bay Initiative Act of 1998 to provide for the continuing authorization of the Chesapeake Bay Gateways and Watertrails Network;

H.R. 3891, to amend the National Fish and Wildlife Foundation Establishment Act to increase the number of Directors on the Board of Directors of the National Fish and Wildlife Foundation;

S. 1566, to amend the Oil Pollution Act of 1990 to improve that Act;

S. 2700, to amend the Oil Pollution Act of 1990 to double liability limits for single-hull tankers and tank barges for 2009, with an amendment in the nature of a substitute;

S. 2728, to establish the Twenty-First Century Water Commission to study and develop recommendations for a comprehensive water strategy to address future water needs, with an amendment;

H.R. 3248, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, with an amendment in the nature of a substitute;

H.R. 3986, to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts, with an amendment in the nature of a substitute;

S. 2403, to designate the new Federal Courthouse, located in the 700 block of East Broad Street, Richmond, Virginia, as the "Spottswood W. Robinson, III and Robert R. Merhige, Jr. Federal Courthouse";

S. 2837, to designate the United States courthouse located at 225 Cadman Plaza East, Brooklyn, NY as the "Theodore Roosevelt United States Courthouse";

S. 3009, to designate the Federal Bureau of Investigation building under construction in Omaha, NE as the "J. James Exon Federal Bureau of Investigation Building";

H.R. 1019, to designate the United States customhouse building located at 31 Gonzalez Clemente Avenue in Mayaguez, Puerto Rico, as the "Rafael Martinez Nadal United States Customhouse Building";

H.R. 4140, to designate the Port Angeles Federal Building in Port Angeles, Washington, as the "Richard B. Anderson Federal Building";

H.R. 781, to redesignate Lock and Dam No. 5 of the McClellan-Kerr Arkansas River Navigation System near Redfield, Arkansas, authorized by the Rivers and Harbors Act approved July 24, 1946, as the "Colonel Charles D. Maynard Lock and Dam".

TREATIES

Committee on Foreign Relations: Committee concluded a hearing to examine the Treaty Between the Government of the United States of America and the

Government of the United Kingdom of Great Britain and Northern Ireland Concerning Defense Trade Cooperation, done at Washington and London on June 21 and 26, 2007 (Treaty Doc. 110–07), and the Treaty Between the Government of the United States of America and the Government of Australia Concerning Defense Trade Cooperation, done at Sydney, September 5, 2007 (Treaty Doc. 110–10), after receiving testimony from John C. Rood, Acting Under Secretary of State for Arms Control and International Security.

PRICE OF OIL

Committee on the Judiciary: Committee concluded a hearing to examine the escalating price of crude oil, including S. 879, to amend the Sherman Act to make oil-producing and exporting cartels illegal, after receiving testimony from Robert A. Malone, BP America, John Hofmeister, Shell Oil Company, and John E. Lowe, ConocoPhillips, all of Houston, Texas; Peter J. Robertson, Chevron Corporation, San Ramon, California; and J. Stephen Simon, Exxon Mobil Corporation, Irving, Texas.

NOMINATIONS

Committee on Rules and Administration: Committee concluded a hearing to examine the nominations of Cynthia L. Bauerly, of Minnesota, who was introduced by Senators Schumer and Klobuchar, and Caroline C. Hunter, of Florida, and Donald F. McGahn, of the District of Columbia, who were introduced by Senator Feinstein, each to be a Member of the Federal Election Commission, after each nominee testified and answered questions in their own behalf.

VETERANS HEALTH CARE LEGISLATION

Committee on Veterans' Affairs: Committee concluded a hearing to examine pending veterans health care legislation, after receiving testimony from Senator Durbin; Gerald M. Cross, Principal Deputy Under Secretary of Veterans Affairs for Health; Carl Blake, Paralyzed Veterans of America, J. David Cox, American Federation of Government Employees, AFL-CIO, Cecelia McVey, Nurses Organization of Veterans Affairs, and Sally Satel, American Enterprise Institute, all of Washington, D.C.; Joseph L. Wilson, American Legion, Indianapolis, Indiana; Joy J. Ilem, Disabled American Veterans, Cold Spring, Kentucky; Christopher Needham, Veterans of Foreign Wars of the United States, Kansas City, Missouri; Stanley Luke, Helping Hands Hawaii, Honolulu; Donna McCartney, National Association of Veterans' Research and Education Foundations, Chevy Chase, Maryland; and Thomas J. Berger, Vietnam Veterans of America, Silver Spring, Maryland.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 19 public bills, H.R. 6104–6122; and 5 resolutions, H.J. Res. 86–87; H. Con. Res. 320; and H. Res. 1217, 1219 were introduced. **Pages H4452–53**

Additional Cosponsors: **Pages H4453–54**

Reports Filed: Reports were filed today as follows:

H.R. 4106, to improve teleworking in executive agencies by developing a telework program that allows employees to telework at least 20 percent of the hours worked in every 2 administrative workweeks, with an amendment (H. Rept. 110–663);

H.R. 4791, to amend title 44, United States Code, to strengthen requirements for ensuring the effectiveness of information security controls over information resources that support Federal operations and assets, with an amendment (H. Rept. 110–664);

H.R. 5959, to authorize appropriations for fiscal year 2009 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, with an amendment (H. Rept. 110–665); and

H. Res. 1218, providing for consideration of the bill (H.R. 5658) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense and to prescribe military personnel strengths for fiscal year 2009 (H. Rept. 110–666). **Pages H4433, H4452**

Chaplain: The prayer was offered by the guest Chaplain, Rev. Fred Lucci, Director, All Saints Catholic Newman Center, Arizona State University. **Page H4326**

Budget Resolution for 2009—Rule for Consideration: The House agreed to the rule that is providing for consideration of the conference report to accompany S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013, by a yea-and-nay vote of 220 yeas to

199 nays, Roll No. 342, after agreeing to order the previous question by a yea-and-nay vote of 229 yeas to 186 nays, Roll No. 341. **Pages H4341–46, H4348–49**

Energy and Tax Extenders Act of 2008: The House passed H.R. 6049, to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, and to provide individual income tax relief, by a recorded vote of 263 ayes to 160 noes, Roll No. 344. **Pages H4349–H4401**

Rejected the McCrery motion to recommit the bill to the Committee on Ways and Means with instructions to report the same back to the House promptly with an amendment, by a yea-and-nay vote of 201 yeas to 220 nays, Roll No. 343.

Pages H4395–H4400

H. Res. 1212, the rule providing for consideration of the measure, was agreed to by a yea-and-nay vote of 223 yeas to 194 nays, Roll No. 339, after agreeing to order the previous question by a yea-and-nay vote of 223 yeas to 190 nays, Roll No. 338.

Pages H4330–37, H4346–47

Order of Procedure: The House agreed by unanimous consent that the motions to suspend the rules relating to the following measures be considered as adopted in the form considered by the House on Monday, May 19, 2008:

Recognizing the necessity for the United States to maintain its significant leadership role in improving the health and promoting the resiliency of coral reef ecosystems: H. Con. Res. 300, to recognize the necessity for the United States to maintain its significant leadership role in improving the health and promoting the resiliency of coral reef ecosystems; **Page H4402**

Directing the United States to initiate international discussions and take necessary steps with other Nations to negotiate an agreement for managing migratory and transboundary fish stocks in the Arctic Ocean: S. J. Res. 17, to direct the United States to initiate international discussions and take necessary steps with other Nations to negotiate an agreement for managing migratory and transboundary fish stocks in the Arctic Ocean—clearing the measure for the President; **Page H4402**

Celebrating the 50th Anniversary of the Mackinac Island State Park Commission's Historical Preservation and Museum Program, which began on June 15, 1958: H. Con. Res. 325, to celebrate the 50th Anniversary of the Mackinac Island State Park Commission's Historical Preservation and Museum Program, which began on June 15, 1958; **Page H4402**

Honoring the 60th anniversary of the commencement of the carving of the Crazy Horse Memorial: H. Res. 1074, to honor the 60th anniversary of the commencement of the carving of the Crazy Horse Memorial; **Page H4402**

Goleta Water Distribution System Conveyance Act of 2008: H.R. 3323, amended, to authorize the Secretary of the Interior to convey a water distribution system to the Goleta Water District; **Page H4402**

Supporting the goals and objectives of a National Military Appreciation Month: H. Con. Res. 334, amended, to support the goals and objectives of a National Military Appreciation Month; **Page H4402**

Honoring Arnold Palmer for his distinguished career in the sport of golf and his commitment to excellence and sportsmanship: H. Res. 1152, amended, to honor Arnold Palmer for his distinguished career in the sport of golf and his commitment to excellence and sportsmanship; **Page H4402**

Supporting the goals and ideals of Peace Officers Memorial Day: H. Res. 1132, to support the goals and ideals of Peace Officers Memorial Day; **Page H4402**

Celebrating Asian Pacific American Heritage Month: H. Res. 1153, amended, to celebrate Asian Pacific American Heritage Month; **Page H4402**

Recognizing the 100th anniversary of the founding of the Congressional Club: H. Res. 1026, to recognize the 100th anniversary of the founding of the Congressional Club; **Page H4402**

Federal Electronic Equipment Donation Act of 2008: H.R. 752, amended, to direct Federal agencies to donate excess and surplus Federal electronic equipment, including computers, computer components, printers, and fax machines, to qualifying small towns, counties, schools, nonprofit organizations, and libraries; and **Page H4402**

Agreed to amend the title so as to read: ''To direct Federal agencies to transfer excess Federal electronic equipment, including computers, computer components, printers, and fax machines, to educational recipients.''.

Federal Real Property Disposal Enhancement Act of 2008: H.R. 5787, amended, to amend title 40, United States Code, to enhance authorities with regard to real property that has yet to be reported excess. **Page H4402**

Presidential Veto Message—Food, Conservation, and Energy Act of 2008: Read a message from the President wherein he announced his veto of H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and explained his

reasons therefor—ordered printed (H. Doc. 110–115). **Pages H4402–11**

Subsequently, the House voted to override the President's veto of H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, by a yea-and-nay vote of 316 yeas to 108 nays, Roll No. 346 (two-thirds of those present voting to override). **Pages H4411–12**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated on Tuesday, May 20th:

Veterans Emergency Care Fairness Act of 2008: H.R. 3819, amended, to amend title 38, United States Code, to require the Secretary of Veterans Affairs to reimburse veterans receiving emergency treatment in non-Department of Veterans Affairs facilities for such treatment until such veterans are transferred to Department facilities, by a ⅔ yea-and-nay vote of 412 yeas with none voting "nay", Roll No. 347; **Page H4412**

Veterans' Compensation Cost-of-Living Adjustment Act of 2008: H.R. 5826, to increase, effective as of December 1, 2008, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, by a ⅔ yea-and-nay vote of 417 yeas with none voting "nay", Roll No. 348; and **Pages H4412–13**

Department of Veterans Affairs Medical Facility Authorization and Lease Act of 2008: H.R. 5856, to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 2009, by a ⅔ yea-and-nay vote of 416 yeas with none voting "nay", Roll No. 349. **Pages H4415–16**

National Defense Authorization Act for Fiscal Year 2009: The House began consideration of H.R. 5658, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense and to prescribe military personnel strengths for fiscal year 2009. Further proceedings were postponed. **Pages H4416–32**

H. Res. 1213, the rule providing for consideration of the bill, was agreed to by voice vote after agreeing to order the previous question by a yea-and-nay vote of 235 yeas to 186 nays, Roll No. 340. **Pages H4337–41, H4447–48**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated on Monday, May 19th:

Crane Conservation Act of 2008: H.R. 1771, amended, to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resources for the conservation programs of countries the activities of which directly or indirectly affect cranes and the ecosystems of cranes, by a ⅔ recorded vote of 304 ayes to 118 noes, Roll No. 345; **Page H4401**

Soboba Band of Luiseno Indians Settlement Act: H.R. 4841, amended, to approve, ratify, and confirm the settlement agreement entered into to resolve claims by the Soboba Band of Luiseno Indians relating to alleged interferences with the water resources of the Tribe and to authorize and direct the Secretary of the Interior to execute and perform the Settlement Agreement and related waivers; **Page H4401**

Supporting the goals and ideals of National Public Works Week: H. Res. 1137, to support the goals and ideals of National Public Works Week; **Page H4432**

Authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run: H. Con. Res. 309, to authorize the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run; **Page H4432**

Supporting the goals of Motorcycle Safety Awareness Month: H. Res. 339, amended, to support the goals of Motorcycle Safety Awareness Month; **Page H4432**

Recognizing the importance of bicycling in transportation and recreation: H. Con. Res. 305, to recognize the importance of bicycling in transportation and recreation; **Pages H4432–33**

Let Our Veterans Rest in Peace Act of 2008: H.R. 3480, amended, to direct the United States Sentencing Commission to assure appropriate enhancements of those involved in receiving stolen property where that property consists of grave markers of veterans; **Page H4433**

Agreed to amend the title so as to read: "To direct the United States Sentencing Commission to assure appropriate punishment enhancements for those involved in receiving stolen property where that property consists of grave markers of veterans, and for other purposes.". **Page H4433**

Making technical corrections to section 1244 of the National Defense Authorization Act for Fiscal Year 2008, which provides special immigrant status for certain Iraqis: S. 2829, to make technical corrections to section 1244 of the National Defense Authorization Act for Fiscal Year 2008, which provides special immigrant status for certain Iraqis—clearing the measure for the President; **Page H4433**

Extending for 5 years the program relating to waiver of the foreign country residence requirement with respect to international medical graduates: H.R. 5571, amended, to extend for 5 years the program relating to waiver of the foreign country residence requirement with respect to international medical graduates; **Page H4433**

Agreed to amend the title so as to read: "To extend for 5 years the program relating to waiver of the foreign country residence requirement with respect to international medical graduates, and for other purposes.". **Page H4433**

Expressing support for designation of April 2008 as "National Autism Awareness Month" and supporting efforts to devote new resources to research into the causes and treatment of autism and to improve training and support for individuals with autism and those who care for individuals with autism: H. Res. 1106, to express support for designation of April 2008 as "National Autism Awareness Month" and supporting efforts to devote new resources to research into the causes and treatment of autism and to improve training and support for individuals with autism and those who care for individuals with autism; **Page H4433**

Expressing the sense of the House of Representatives that there should be established a National Brain Tumor Awareness Month: H. Res. 1124, amended, to express the sense of the House of Representatives that there should be established a National Brain Tumor Awareness Month; **Page H4433**

Reducing maternal mortality both at home and abroad: H. Res. 1022, amended, to reduce maternal mortality both at home and abroad; **Page H4433**

Expressing the sense of the Congress that there should be established a Bebe Moore Campbell National Minority Mental Health Awareness Month to enhance public awareness of mental illness, especially within minority communities: H. Con. Res. 134, amended, to express the sense of the Congress that there should be established a Bebe Moore Campbell National Minority Mental Health Awareness Month to enhance public awareness of mental illness, especially within minority communities; and **Page H4433**

Supporting the goals and ideals of National Osteoporosis Awareness and Prevention Month: H. Res. 369, amended, to support the goals and ideals of National Osteoporosis Awareness and Prevention Month. **Pages H4433–34**

Senate Message: Message received from the Senate today appears on page H4326.

Senate Referrals: S. 431 was held at the desk and S. Con. Res. 79 was referred to the Committee on Oversight and Government Reform. **Pages H4325, H4459**

Quorum Calls—Votes: Ten yea-and-nay votes and two recorded votes developed during the proceedings of today and appear on pages H4346–47, H4347, H4347–48, H4348–49, H4349, H4399–H4400, H4400–01, H4401, H4411, H4412, H4412–13, and H4415–16. There were no quorum calls.

Adjournment: The House met at 10:00 a.m. and adjourned at 11:56 p.m.

Committee Meetings

NATIONAL ADVISORY PANEL REPORT

Committee on Education and Labor: Held a hearing on the National Mathematics Advisory Panel Report: Foundations for Success. Testimony was heard from public witnesses.

BREAST CANCER RESEARCH/CARE

Committee on Energy and Commerce: Subcommittee on Health held a hearing on the following bills: H.R. 1157, Breast Cancer and Environmental Research Act of 2007; and H.R. 758, Breast Cancer Patient Protection Act of 2007. Testimony was heard from Deborah Winn, Associate Director, Epidemiology and Genetics Research Program, National Cancer Institute, NIH, Department of Health and Human Services; and public witnesses.

CREDIT-BASED INSURANCE SCORING

Committee on Financial Services: Subcommittee on Oversight and Investigations held a hearing entitled " The Impact of Credit-Based Insurance Scoring on the Availability and Affordability of Insurance." Testimony was heard from Lydia B. Parnes, Director, Bureau of Consumer Protection, FTC; Kevin McCarty, Commissioner of Insurance, State of Florida; George J. Keiser, Representative, State of North Dakota; and public witnesses.

SOVEREIGN WEALTH FUNDS

Committee on Foreign Affairs: Held a hearing on the Rise of Sovereign Wealth Funds: Impacts on U.S. Foreign Policy and Economic Interests. Testimony was heard from public witnesses.

U.S.-ISRAEL-EGYPT RELATIONSHIP

Committee on Foreign Affairs: Subcommittee on the Middle East and South Asia held a hearing on the U.S.-Israel-Egypt Trilateral Relationship: Shoring Up the Foundation of Regional Peace. Testimony was heard from public witnesses.

HOMELAND SECURITY DEPARTMENT DIVERSITY

Committee on Homeland Security: Held a hearing entitled "Diversity at DHS: Keeping Pace or Missing the Mark? Testimony was heard from Elaine Duke, Under Secretary, Management, Department of Homeland Security; George Stalcup, Director, Strategic Issues, GAO; and a public witness.

CYBER VULNERABILITIES' ELECTRIC GRID

Committee on Homeland Security: Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology held a hearing entitled "Implications of Cyber Vulnerabilities on the Resiliency and Security of the Electric Grid." Testimony was heard from Joseph T. Kelliher, Chairman, Federal Energy Regulatory Commission, Department of Energy; Greg Wilshusen, Director, Information Security Issues, GAO; William R. McCollum, Jr., Chief Operating Office, TVA; and a public witness.

OFFICES ADMINISTRATIVE COMPLIANCE WITH INTERNAL CONTROLS

Committee on House Administration: Held a hearing on Assessment of Administrative Compliance with Internal Controls. Testimony was heard from the following officials of the House of Representatives: James Cornell, Inspector General; and Daniel P. Beard, Chief Administrative Officer.

FBI WHISTLEBLOWERS

Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security held an oversight hearing on FBI Whistleblowers. Testimony was heard from Senator Grassley; Bassem Youssef, Unit Chief, Communications Analyst Division, Counterterrorism Division, FBI, Department of Justice; and a public witness.

ENDANGERED SPECIES

Committee on Natural Resources: Held an oversight hearing entitled "The Danger of Deception: Do Endangered Species Have a Chance?" Testimony was heard from Robin Nazarro, Director, Natural Resources and Environment Program, GAO; R. Lyle Laverly, Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior; Jane Luxton, General Counsel, NOAA, Department of Commerce; and public witnesses.

SUBLIME MORTGAGE CRISIS

Committee on Oversight and Government Reform: Subcommittee on Domestic Policy held a hearing on Neighborhoods: the blameless victims of the subprime mortgage crisis. Testimony was heard from Daniel T. Kildee, Treasurer, Genesee County, Michigan; Nancy Floreen, Councilmember, Montgomery County, Maryland; and public witnesses.

U.S. TERRITORIES CENSUS DATA ISSUES

Committee on Oversight and Government Reform: Subcommittee on Information Policy, Census, and National Archives and the Subcommittee on Insular Affairs of the Committee on Natural Resources held a joint hearing on Census Data: Special Issues Related to the U.S. Territories. Testimony was heard from Thomas Mesenbourg, Acting Deputy Director, Bureau of the Census, Department of Commerce; Nikalao Pula, Director, Office of Insular Affairs, Department of the Interior; and public witnesses.

DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION FISCAL YEAR 2009—PART II

Committee on Rules: Granted, by a record vote of 8 to 4, a rule providing for further consideration of H.R. 5658, the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, under a structured rule without further general debate.

The rule considers as an original bill for the purpose of amendment the amendment in the nature of a substitute recommended by the Committee on Armed Services. The committee amendment shall be considered as read. The rule waives all points of order against the committee amendment except those arising under clause 10 of rule XXI.

The rule makes in order only those amendments printed in the report of the Committee on Rules and waives all points of order against such amendments except those arising under clause 9 or 10 of rule XXI. The amendments made in order shall be considered as read, shall be debatable for the time specified in the Rules Committee report equally divided by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

The rule permits the chairman of the Committee on Armed Services or his designee to offer amendments en bloc if those amendments have been printed in the Rules Committee report and not earlier disposed of. The Chairman of the Committee of the Whole may recognize for consideration any amendment printed in the Committee report out of the order it was printed but not sooner than 30 minutes after the chairman of the Committee on Armed Services announces from the floor a request to that effect. The rule provides one motion to recommit with or without instructions. The rule provides that, notwithstanding the operation of the previous question, the chair may postpone further consideration until a time designated by the Speaker. The rule provides that in the engrossment of H.R. 5658, the text of H.R. 6048, as passed the House, shall be added at

the end of H.R. 5658. The rule authorizes the Speaker to entertain motions that the House suspend the rules at any time through the legislative day of Thursday, May 22, 2008, relating to any measure pertaining to agricultural programs. Testimony was heard from Representatives Abercrombie, Smith of Washington, Boren, Sestak, Cummings, Waxman, Waters, Maloney of New York, Jackson-Lee of Texas, Boswell, Lee of California, Schiff, Bean, Akin, Gingrey, Franks of Arizona, Sessions, Shays, Rohrabacher, Buyer, Terry, Kirk, and Boustany.

NATIONAL SEA GRANT COLLEGE PROGRAM AMENDMENTS ACT OF 2008

Committee on Science and Technology: Subcommittee on Energy and Environment held a hearing on H.R. 5618, National Sea Grant College Program Amendments Act of 2008. Testimony was heard from Craig McLean, Deputy Assistant Administrator, Programs and Administration, Oceanic Atmospheric Research, NOAA, Department of Commerce: and public witnesses.

EPA'S POLLUTION HEALTH RISKS SYSTEM

Committee on Science and Technology: Subcommittee on Investigation and Oversight held a hearing on EPA's Restructured IRIS System: Have Polluters and Politics Overwhelmed Science. Testimony was heard from John Stephenson, Director, Natural Resources and Environment, GAO; George Gray, Assistant Administrator, Research and Development, EPA; and Susan Dudley, Administrator, Office of Information and Regulatory Affairs, OMB.

DURABLE MEDICAL EQUIPMENT COMPETITIVE BIDDING

Committee on Small Business: Subcommittee on Urban and Rural Entrepreneurship held a hearing entitled "Competitive Bidding for Durable Medical Equipment." Testimony was heard from Laurence D. Wilson, Director, Chronic Care Policy Group, Center for Medicare Management, Centers for Medicare and Medicaid Services, Department of Health and Human Services; and public witnesses.

GREAT LAKES LEGACY ACT REAUTHORIZATION

Committee on Transportation and Infrastructure: Subcommittee on Water and Environment held a hearing on Reauthorization of the Great Lakes Legacy Act. Testimony was heard from Lieutenant Governor John D. Cherry, State of Michigan; Benjamin H. Grumbles, Assistant Administrator, Water, EPA; and public witnesses.

COMMITTEE MEETINGS FOR THURSDAY, MAY 22, 2008

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to hold hearings to examine the nominations of General David H. Petraeus, USA, for reappointment to the grade of general and to be Commander, United States Central Command, and Lieutenant General Raymond T. Odierno, USA, for appointment to the grade of general and to be Commander, Multi-National Force—Iraq, 9:30 a.m., SD–106.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine the nomination of Steven C. Preston, of Illinois, to be Secretary of Housing and Urban Development, 10 a.m., SD–538.

Committee on Finance: to hold hearings to examine S. 1919, to establish trade enforcement priorities for the United States, to strengthen the provisions relating to trade remedies, 10 a.m., SD–215.

Committee on Foreign Relations: to hold hearings to examine the International Convention Against Doping in Sport, adopted by the United Nations Educational, Scientific, and Cultural Organization on October 19, 2005 (Treaty Doc. 110–14), 9:15 a.m., SD–419.

Committee on Homeland Security and Governmental Affairs: business meeting to consider the nomination of Paul A. Schneider, of Maryland, to be Deputy Secretary of Homeland Security, Time to be announced, Room to be announced.

Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to continue hearings to examine improving the security clearance process, focusing on reform efforts to streamline, standardize, and update the process, 2:30 p.m., SD–342.

Committee on Indian Affairs: to hold oversight hearings to examine the status of backlogs at the Department of the Interior, 9:30 a.m., SD–562.

Committee on the Judiciary: business meeting to consider S. 2756, to amend the National Child Protection Act of 1993 to establish a permanent background check system, S. 2982, to amend the Runaway and Homeless Youth Act to authorize appropriations, S. 1210, to extend the grant program for drug-endangered children, S. Res. 563, designating September 13, 2008, as "National Childhood Cancer Awareness Day", S. Res. 567, designating June 2008 as "National Internet Safety Month", and the nominations of Elisebeth C. Cook, of Virginia, to be an Assistant Attorney General for the Office of Legal Policy, Department of Justice, William T. Lawrence, of Indiana, to be United States District Judge for the Southern District of Indiana, and G. Murray Snow, of Arizona, to be United States District Judge for the District of Arizona, and William Walter Wilkins, III, to be United States Attorney for the District of South Carolina, 10 a.m., SD–226.

Full Committee, to hold hearings to examine closing the justice gap, focusing on providing civil legal assistance to low-income Americans, 2 p.m., SD–226.

Special Committee on Aging: to hold hearings to examine improving Medicare for the most vulnerable, focusing on senior citizens at risk, 10:30 a.m., SH–216.

House

Committee on Appropriations, Subcommittee on Legislative Branch, on Capitol Visitor Center, 10 a.m., 2359 Rayburn.

Committee on Energy and Commerce, Subcommittee on Oversight and Investigations, hearing entitled ''Germs, Viruses, and Secrets: Government Plans to Move Exotic Disease Research to the Mainland United States,'' 10 a.m., 2123 Rayburn.

Committee on Financial Services, hearing entitled ''Impact on Homebuyers and Housing Market of Conforming Loan Limit Increase,'' 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, hearing on Rising Oil Prices: Declining National Security? 10 a.m., 2172 Rayburn.

Subcommittee on International Organizations, Human Rights, and Oversight, hearing on City on the Hill or Just Another Country? The United States and the Promotion of Human Rights and Democracy, 2 p.m., 2172 Rayburn.

Committee on Homeland Security, Subcommittee on Border, Maritime, and Global Counterterrorism, hearing on The Border Security Challenge: Recent Developments and Legislative Proposals, focusing on the following bills: H.R. 5662, Putting Our Resources Towards Security (PORTS) Act; H.R. 5552, Border Accountability Act of 2008; H.R. 4008, SAVE Act of 2007 and H.R. 3531, Accountability in Enforcing Immigration Laws Act of 2007, 10 a.m., 311 Cannon.

Committee on the Judiciary, Task Force on Competition Policy and Antitrust Laws, hearing on Retail Gas Prices, Part 2, Competition in the Oil Industry, 11 a.m., 2141 Rayburn.

Committee on Natural Resources, Subcommittee on Energy and Mineral Resources, oversight hearing on The United States Geological Survey's Earthquake Hazards Program-Science, Preparation, and Response, 10 a.m., 1324 Longworth.

Subcommittee on Water and Power, to mark up the following bills: H.R. 5511, Leadville Mine Drainage Tunnel Remediation Act of 2008; and H.R. 5710, Eastern New Mexico Rural Water System Authorization Act, II a.m., Longworth.

Committee on Oversight and Government Reform, hearing on Accountability Lapses in Multiple Funds for Iraq, 10 a.m., 2154 Rayburn.

Subcommittee on Domestic Policy, and the Subcommittee on Housing and Community Opportunity of the Committee on Financial Services, joint hearing on Neighborhoods: Targeting Federal aid to neighborhoods distressed by the subprime mortgage crisis, 2 p.m., 2154 Rayburn.

Committee on Science and Technology, Subcommittee on Investigation and Oversight, hearing on American Decline or Renewal?—Globalization Jobs and Technology, 10 a.m., 2318 Rayburn.

Committee on Small Business, hearing entitled ''RESPA and Its Impact on Small Business,'' 10 a.m., 1539 Rayburn.

Committee on Transportation and Infrastructure, to mark up the following: H.R. 6003, Passenger Rail Investment and Improvement Act of 2008; measure to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the predisaster hazard mitigation program, and for other purposes; and H.R 5001, Old Post Office Building Redevelopment Act of 2008, 10:30 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Disability Assistance and Memorial Affairs, hearing on Examining the Effectiveness of VBA Outreach Efforts, 1 p.m., 334 Cannon.

Subcommittee on Health, hearing on Human Resources Challenges within the Veterans Health Administration, 10 a.m., 334 Cannon.

Permanent Select Committee on Intelligence, Subcommittee on Terrorism, Human Intelligence Analysis and Counterintelligence, executive briefing, on Counternarcotics, 11 a.m., H–405 Capitol.

Select Committee on Energy Independence and Global Warming, to consider a Resolution and Committee Report to commence proceedings to find Stephen Johnson, Administrator of EPA, in contempt of Congress for refusing to comply with the subpoena issued by the Select Committee, 9:45 a.m., followed by a hearing entitled ''Oversight of the Bush Administration's Energy Policy,'' 10 a.m. 2175 Rayburn.

Next Meeting of the **SENATE**

9:30 a.m., Thursday, May 22

Senate Chamber

Program for Thursday: Senate will resume consideration of the House message to accompany H.R. 2642, Military Construction And Veterans Affairs Appropriations Act and vote on certain motions.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Thursday, May 22

House Chamber

Program for Thursday: Resume consideration of H.R. 5658—National Defense Authorization Act for Fiscal Year 2009.

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