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House of Representatives

The House met at 10 a.m.

Rev. John Crosby, Christ Presbyterian Church, Minneapolis, Minnesota, offered the following prayer:

God of the heavens and Earth, thank You for the opportunity to gather in this place this morning, in freedom of body, mind and spirit. Just as we have celebrated the birth of our freedom, we ask that You help us offer that same freedom to others.

You have said that if any of us lacks wisdom, we should ask and You will be generous, and so we ask, not only to discern the right but for the will to act on what we discern.

I ask that You give grace to those who lead us, whether they are security guards or Senators, cafeteria workers downstairs or the Representatives on the floor. Whether it is the ladies who clean the toilets at night or the staff who work so hard behind the scenes, I pray that they might be becoming men and women of humility and courage, principle and generosity, even in the middle of trials. We keep before us the welfare mom who looks for any kind of help, the teacher who can't afford $4 for gas, the banker who has to figure out how not to foreclose on a friend, the farmer who looks out at his fields and wonders where help will come from. We pray that this will be a place of that help.

I thank You for those who have served here faithfully on the field of battle, in the fires of the forests, or in these Halls; and in a special way, I ask You to give special peace to those who have served and now return home, as our brother JIM RAMSTAD. May he return with the thanks and blessing of a grateful people, and may he hear Your voice saying to him and so many others, ''Well done; well done, good and faithful servant.''

For all who gather here this day, we ask Your wisdom and Your blessing. 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 Illinois (Mr. KIRK) come forward and lead the House in the Pledge of Allegiance.

Mr. KIRK 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.

WELCOMING REV. JOHN CROSBY

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

There was no objection.

Mr. RAMSTAD. Madam Speaker, it is my special privilege to welcome today's guest chaplain, Senior Pastor John Crosby of Christ Presbyterian Church in Edina, Minnesota.

On behalf of the entire House of Representatives, thank you, John, for your moving and timely prayer, and for serving as guest chaplain today.

Madam Speaker, the Reverend John Crosby is a true servant-leader who personifies faith, compassion and service to those less fortunate. He is a true man of God.

Pastor Crosby has been at Christ Presbyterian Church, one of the most dynamic and vibrant faith communities in the Twin Cities, since 1989.

John and his wife, Laura, came to Minnesota from Washington, DC, where they ministered at the National Presbyterian Church. They have two daughters, Maggie, who is a junior at Denver University, and Katy who worked as a congressional intern in my Washington office and is now working here in Washington for Bread for the World. Knowing Katy as I do, I can personally testify to the wonderful job John and Laura have done in raising their outstanding daughters, and I am pleased that Laura and Katy are here today in the Speaker's gallery to see their husband and father deliver the opening prayer.

Madam Speaker, Pastor Crosby is a thoughtful and caring person who applies his faith to daily life and the major issues of the day. He is very interested and involved in policy matters, and he has been a trusted adviser throughout my 18 years here in Congress. John Crosby also has experience working in the United States Senate for former Chaplain Richard Halvorsen.

Our Twin Cities community is truly blessed by Pastor Crosby's strong and principled leadership, as well as his inspiring commitment to help people in need.

Under Reverend Crosby's tenure, the youth program and community outreach at Christ Presbyterian Church have grown exponentially, and have been a great asset, a great resource for our community at large. Over a thousand young people are involved in the youth program at Christ Presbyterian Church. And I will never forget when that youth group lost one of its own in a car accident a number of years ago, a beautiful young woman whose family I knew well, and a thousand young people from that church gathered spontaneously that Sunday night at the church, and John led them in prayer.

Pastor Crosby is a man of God who lives out the Biblical command to love God, love others and serve the least amongst us, and I am proud and grateful to call him my friend.

Thank you again, John, for serving the House of Representatives today and for doing the Lord's work here on the Earth each and every day.

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ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 one-minute requests from each side of the aisle.

ENERGY FACTS VERSUS FICTION

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

Mr. ISRAEL. Madam Speaker, here is today's energy Facts versus Fiction, Volume II.

According to Gal Luft of the Institute for the Analysis of Global Security, at $137 per barrel of oil, OPEC could potentially buy the Bank of America within 5 weeks of production revenues; Apple Computer within 12 days; General Motors within 5 days, and it would take 2.5 years for OPEC to buy a 20 percent blocking vote in every S&P 500 company.

Fact: The administration's budget slashes $467 million from energy efficiency and renewable energy accounts. The House Appropriations Committee added $1.2 billion. It is a much better investment, Madam Speaker, to add $1.2 billion than to give away the Bank of America, Apple Computer and General Motors to the Saudis.

We need an energy policy that invests in American ingenuity, not Saudi Arabia oil profits.

BALLISTIC MISSILE DEFENSES FOR ISRAEL

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

Mr. KIRK. Mr. Speaker, hours ago Iran fired nine long-range missiles, including the improved Shahab-III that can hit the State of Israel. It is time for the United States to offer full ballistic missile defenses for Israel.

Democracies are best when they stick together. We joined 10 years ago with the U.S. Army and Israeli military to build the medium-range Arrow missile defense system. While good, it offers Israel only a defense in the last minute. Three years ago we gave Israel ''Eyes in the Sky,'' early warning data that gave her warning time an increase from 1 minute to 11 minutes.

Now, in the face of the rapidly growing Iranian threat, the G8 should think about sanctions, like a gasoline quarantine because Iran is totally dependent on half its gas from foreign tankers, most insured by Lloyds of London, and we can work with the British on that.

But most importantly, we should follow the direction of 70 Democrats and Republicans in the Kirk-Harman letter to offer full ballistic missile defenses for Israel. Our defenses have five times the range of Israel's and can do the most to lower the rising tensions in the Middle East.

MIDDLE CLASS SQUEEZE

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

Mr. ELLISON. Mr. Speaker, middle-income Americans are paying a high price for the Bush economic policies that have taken us deep into debt and to economic recession. While the prices of groceries, gas, education, and health care have all gone up, the purchasing power of a middle-income salary has actually fallen over the last 7 years.

Unfortunately, Republicans and President Bush continue to defend the status quo, refusing to support our efforts to help middle class families feeling the economic squeeze. House Democrats are working on new solutions to deal with this immediate economic crisis, and for long-term economic recovery. We have taken action to extend unemployment benefits, insurance benefits, and also so that workers can continue to receive important financial assistance while they look for jobs in these trying economic times. We have also passed legislation to address the Nation's housing crisis so that millions of Americans will not be forced into foreclosure this coming year.

Mr. Speaker, House Democrats also support a second economic recovery plan, and we hope we can gather Republican support for it.

□ 1015

WE NEED TO FIX THE ENERGY PROBLEMS OF THIS COUNTRY IN THIS HOUSE NOW

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

Mr. HAYES. Mr. Speaker, I rise today to talk about gas prices and energy, specifically, the lack of action here in Congress on this issue. Our constituents want us to do something, and the reality is that we have the ability to do something but we're not.

Mr. Speaker, according to media reports, the House leadership is doing everything possible to stop a vote on opening more of the oil and gas reserves available in this Nation. It sounds like the entire appropriations process might be stopped rather than having a vote on using our resources so we aren't so dependent on OPEC. I really don't understand why. Maybe it's being captive to the extreme environmental lobby, or maybe it's a completely different philosophy that says we should not do everything possible to bring gas prices down.

What I do know, Mr. Speaker, is that we are not going above and beyond to fix this problem. This House is going above and beyond to stop a viable solution. That's wrong. I implore the Democrat leadership to let real energy solutions come up for a vote and get gas prices down.

BIG OIL DOESN'T NEED MORE LAND TO DRILL; THEY SHOULD USE IT OR LOSE IT

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

Ms. SHEA-PORTER. Mr. Speaker, gas prices are hovering around $4 a gallon now. Americans are having difficulty just finding the money to drive to the store. The energy policies of the Bush administration over the past 7 years have helped only one group, Big Oil. They're doing just fine, thank you very much.

House Democrats are moving America in a new direction towards energy independence. We raised the miles-per-gallon requirement for the first time in over 30 years. We are putting money into research and development. We're requiring energy-efficient appliances, and we are creating green jobs, among other things.

We're also demanding that oil companies drill now. They have 68 million acres of land that they could drill on. They have their permits. They need to get to work now. Last month, House Republicans could have joined us in sending a strong message to oil companies that they need to start drilling on already approved lands. But instead, House Republicans once again sided with both Big Oil and President Bush.

Mr. Speaker, the oil companies need to use those permits or lose those permits. America wants oil companies to get to work now and stop playing politics.

HOUSE REPUBLICANS STAND READY TO HELP AMERICANS COMBAT INCREASED ENERGY COSTS

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

Ms. GRANGER. Mr. Speaker, House Republicans set forth an energy agenda that addresses the number one concern facing American families today: the high price of gasoline. The high price of gas is costing hardworking families an average of $4.11 a gallon. That's $1.70 more a gallon than it was in January 2007 with no relief in sight.

Skyrocketing gas prices have taken a dramatic toll on almost every area of our lives. Families are having to adjust by tightening budgets and trimming back family vacations. Small businesses, like the ones in my district, are watching their profits shrink while making tough decisions about expanding their companies or being able to make their payroll.

House Republicans have a plan that will increase production of American-made energy in an environmentally safe way. Our plan will promote new, clean, and reliable sources of energy while cutting red tape and increasing the supply of American-made fuel and energy. Our plan also encourages greater energy efficiency by offering conservation tax incentives to Americans

who make their home, car, and businesses more energy efficient.

House Republicans stand ready and willing to help American families combat the increased costs of energy. I invite my colleagues on the other side of the aisle to join us.

CALLING ON THE PRESIDENT TO RESCIND HIS VETO THREAT OF MEDICARE IMPROVEMENTS

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

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I come to the floor today to urge the President to reconsider his veto threat of H.R. 6331, the broadly supported Medicare improvement legislation that was passed by this House on June 24. It is my hope that the other body takes quick action to pass this responsible legislation. The Medicare beneficiaries and veterans who are enrolled in TRICARE are depending on this physician payment fix becoming law.

If this legislation is not passed into law, millions of Americans will no longer be able to visit their physicians and receive the regular quality care that they rely on. I understand that some Members of the Congress have concerns about the pay-for in this legislation. However, this Congress and this government cannot continue to pass the buck on fiscal responsibility whenever we are faced with difficult choices.

I believe we have found a responsible way to pay for the physician payment fix that is in the best interest of all Medicare beneficiaries. And again, I urge the President to rescind his veto threat.

A FEW FACTS ON ENERGY

(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, here are a few facts on energy I would like to share. America currently has an estimated 175 trillion cubic feet of natural gas and 1.1 trillion barrels of oil that is off-limits to exploration. In ANWR alone, there is an estimated 10.4 billion barrels of oil. Currently 85 percent of the lower 48 Outer Continental Shelf energy resources remain under the lock and key of the Federal Government. Only 6 percent of the 700 million acres of federally owned subsurface mineral estate has been leased for oil and glass exploration.

The estimated Federal revenue that would be generated by opening up these lands that are currently off-limits to leasing is upwards of $60 trillion. Americans support exploring for these resources and breaking America's dependence on foreign oil. The American people are demanding Congress take action. That is why House Republicans will continue to fight for an all-of-the-above energy plan that will produce more American-made energy while investing in alternative fuels and promoting conservation.

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

RECOGNIZING THE POSITIVE CONTRIBUTIONS OF IMMIGRANTS

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

Mr. BACA. Mr. Speaker, Congress came back this week from celebrating our Nation's Independence Day. This is a special time to reflect on America's difficult history and the true essence of what she stands for. Since the beginning, America has thrived on the contributions of its immigrant labor force. Sadly today, the positive contributions of the immigrant labor force to our society are too often unnoticed.

Hardworking families contribute daily and pay their share into the American system. Hardworking mothers sometimes work three jobs, give up their weekends, and take overtime and night shifts to feed and clothe their children. Hardworking fathers wake up at 4 a.m. to go to work, earn below minimum wages, and manage to provide for their families.

Immigrants contribute in taxes from their paychecks just like the next person through shopping at a variety of stores, restaurants, and gas stations. In fact, the IRS reported that between 1996 to 2003, immigrants contributed $50 billion in Federal taxes.

We cannot afford to ignore the figures, and more importantly, we cannot afford to ignore the positive contributions of immigrants in America. We need comprehensive immigration for the security of our Nation.

MORE CONSERVATION AND MORE DRILLING IS NEEDED FOR OUR ENERGY PROBLEM

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

Mr. KELLER of Florida. Mr. Speaker, I rise today to address the problem of skyrocketing gas prices. We must reduce our dependence on foreign oil. Our constituents deserve straight talk on this issue and here it is: The main component of the price of gasoline at the pump is crude oil. Crude oil is a commodity governed by the law of supply and demand. Therefore, we must reduce our demand and increase our supply.

We should reduce our demand by having tax incentives for hybrids, raising fuel efficiency standards, and investing in alternative renewable energy sources like wind, solar, biomass, and nuclear. We must also increase our domestic supply of oil. We can do that by drilling in Alaska, drilling in the gulf of Mexico, and building more refineries.

The straight talk is we need a comprehensive approach of more drilling and more conservation to achieve long-term energy independence.

JOB LOSSES CONTINUE FOR SIX CONSECUTIVE MONTHS AS ECONOMY GETS WORSE

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

Mr. PAYNE. Mr. Speaker, every month this year the Bush economy has lost more jobs than it has created. In June, 62,000 jobs were lost bringing the total number this year to 428,000 jobs lost. Yet President Bush and some Washington Republicans continue to contend that our economy is not in a recession. These job numbers were particularly devastating to the 3.8 million workers who have lost their jobs and continue to struggle to find new work. It's difficult to find a job when the economy is simply not producing them.

That's why the Democrats fought hard to pass legislation to extend unemployment benefits for an additional 13 weeks to more than 1.6 million Americans who have been hurt by President Bush's economic policies. This money will allow workers in my home State of New Jersey and throughout the Nation to pay their bills and put food on the table while they continue to look for a job.

Extending unemployment insurance is just another example of how Democrats are changing the way business is done in Washington. No longer are the needs of working families forgotten in this Congress.

SAME OLD EXCUSES WON'T WORK ANY LONGER

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

Mrs. MILLER of Michigan. Mr. Speaker, in spite of the fact that the American people have been begging, literally begging this Congress to act on the energy crisis, all we've heard from the majority are excuses for why we cannot access our own domestic supplies of energy. They say that we cannot drill in the ANWR because it will adversely affect the caribou. This despite the fact that the caribou have literally flourished along the north slope of Alaska since the introduction of the pipeline.

They say we cannot drill offshore because of environmental threats. This despite the fact that offshore platforms in the Gulf of Mexico have survived both Hurricanes Katrina and Rita with very limited or no environmental damage.

The majority continues to offer excuse after excuse but offers nothing to the American consumers who want some relief at the pump. With gas prices crashing through $4 per gallon

now and rising at an alarming rate, the time for excuses is over. It is time for action. Many of us saw this coming and have tried to expand supply here at home.

It is time for the majority to recognize this fact and show more concern for the American consumers than for the caribou.

DEMOCRATIC SOLUTIONS ARE NEEDED FOR OIL CRISIS

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

Mr. COURTNEY. Mr. Speaker, yesterday on the ''Lee Elci Show,'' in New London, Connecticut, Bill from Groton called in while I was on and informed us that to lock in for next winter in Connecticut, it costs now $5.80 a gallon.

Mr. Speaker, we've heard a lot about the hardship of high gas prices. If home heating oil stays at those levels, there will be a catastrophe this winter in terms of keeping people alive because they cannot afford those prices. All of the proposals we've heard from the other side are going to take 20 years, even if it goes perfectly according to plan. People need relief now.

President Bush, with one stroke of the pen, could release oil from the Strategic Petroleum Reserve. We would have more oil into the market in 13 days. That's the type of short-term relief that consumers, particularly in the northern parts of this country, need if they are going to survive this winter.

We doubled the size of energy assistance in the Democratic budget. The Bush plan would have cut energy assistance incredibly given the fact that these prices are going through the roof. We need Democratic priorities to provide short-term relief and long-term solutions for the American consumer.

AMERICA NEEDS TO DRILL NOW

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

Mrs. DRAKE. Mr. Speaker, I rise today to express the frustration my constituents feel with a Congress that refuses to address the current energy crisis. I have heard they can't fill their tanks, they're not doing any extras, they're not going out to eat or to movies or on vacation. And last week, a young woman serving in Afghanistan asked me to make sure that gas is not $5 a gallon when she returns home.

Repeatedly, people have asked me to drill now. And yet with all this frustration and economic hardship, the Democratic leadership of this Congress refuses to bring legislation to the floor that addresses the number one concern of our constituents: increasing domestic supply now, dropping gas prices now while we move to the alternative energies of the future.

This week Congress will consider dozens of suspensions, a bill concerning the preservation of White House e-mails, a bill creating a national historic trail in New York, and a bill creating a new section of national wild and scenic rivers in Massachusetts. But nothing to lower gas prices.

CONGRESS WILL CONTINUE TO FIND REAL SOLUTIONS INSTEAD OF CASTING BLAME

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

Mr. ALTMIRE. Mr. Speaker, Congress continues to take action and do everything we can to reduce the price of gas at the pump. Because of legislation this Congress passed last week, as of last week there are over 70,000 more barrels of oil per day every day that are going into the market instead of the Strategic Petroleum Reserve. And during the last week, the price of oil per barrel went down.

We also approved legislation that gives U.S. authorities the ability to prosecute anti-competitive conduct committed by international cartels like OPEC that manipulate the price of oil.

We passed legislation that would invest in biofuels rather than corporate welfare for Big Oil. Energy experts estimate that biofuel blends are keeping the price of gas approximately 15 percent lower than it would otherwise be right now.

This Congress has taken action to address the skyrocketing price of gas, and we will continue to find real solutions rather than pointing fingers and casting blame.

□ 1030

AMERICANS HELD HOSTAGE IN COLOMBIA

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

Mr. POE. Mr. Speaker, for the last 5 years, civilians Keith Stansell, Thomas Howes, and Marc Gonsalves have been held hostage and bound by chains in the jungles of Colombia. Their captors were the Communist thugs: FARC.

The three American captors lived in constant fear and squalor along with hundreds of other hostages, mostly Colombians. These three men were held longer than any other American citizens currently being held captive in the world.

They also had 5 years of their lives stolen from them. During the last 5 years, they were unaware of most world events, including the birth of Stansell's twins, the invasion of Iraq, Hurricanes Katrina and Rita, the Red Sox breaking the curse and winning the World Series, gasoline prices tripling, and the University of Texas defeating Southern Cal in the Rose Bowl for the National Championship.

FARC is an insurgent terrorist group that funds its activities by working with the drug cartels and kidnapping people and holding them for ransom.

But thanks to the people and the Government of Colombia, the three Americans and 20 others were rescued from the outlaws in a stealth, covert operation. We are glad the Americans are home, and our gratitude goes to the people of Colombia.

And that's just the way it is.

ACKNOWLEDGE THE CONTRIBUTIONS OF STAND DOWN HOUSE

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

Mr. KLEIN of Florida. Mr. Speaker, I rise today to acknowledge the contributions of an extraordinary organization in my congressional district: the Stand Down House.

The Stand Down House and its dedicated staff provide support and services for homeless veterans, including transportation, counseling, and job training. These honorable servicemen have fallen on hard times and need a place to stay and a chance to get their lives back on track.

The Stand Down House provides exactly that chance, and it is a lifesaver for many of our veterans.

Mr. Speaker, there are over 200,000 homeless veterans in America today, and up to 2,000 in Palm Beach County alone where I live.

We must never turn our backs on a single one of our servicemembers, and I commend the Stand Down House for serving those who have served our Nation.

ENERGY

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

Mr. PITTS. Mr. Speaker, in a story from The Hill newspaper yesterday, a Democrat staffer is quoted as saying House Democrats' strategy on the issue of skyrocketing gas prices is to ''drive small cars and wait for the wind.''

What a terribly insulting idea to the American people who continue to suffer as the price of gas soars over $4 a gallon.

The truth is, I know there are plenty of my colleagues on the other side of the aisle who would support reasonable bipartisan legislation to increase American production of oil here at home.

Unfortunately, the Democrat leadership controls the floor agenda, and the same article notes that Democratic leadership is terrified their Members might actually support legislation that would open up exploration in the deep waters off our coasts or in ANWR.

It's time for the Speaker to let the Members of this body do their job and represent their constituents' desires and drill for American oil.

When will the Speaker's office hear the cries from the American public?

MEDICARE

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

Ms. CASTOR. Mr. Speaker, we've been working diligently to improve Medicare for America's seniors. In fact, on June 24, the Democratic-led House of Representatives passed by a large bipartisan margin, 355–59, critical Medicare legislation. Unfortunately, it's being blocked by the White House and Republicans across the Capitol.

I urge the White House and Republicans in the other body to stop siding with private health insurance companies and, instead, join us in standing up for families who rely on Medicare.

Our Medicare bill is critical to the health of our neighbors. It helps ensure that seniors have access to high quality health care and the doctor of their choice.

Health care for our military families and retirees is also linked to our Medicare bill, and the Military Officers Association is calling on the White House and Republicans to end their opposition.

Our legislation cuts overpayments and wasteful subsidies to private managed-care insurance companies and redirects these resources to where they belong: the health of our seniors.

IT'S TIME FOR REAL SOLUTIONS, NOT MORE BROKEN PROMISES FROM THE DEMOCRATS

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

Ms. FOXX. Mr. Speaker, more than 2 years ago, then-Minority Leader NANCY PELOSI promised the American people that Democrats had a ''commonsense plan to lower gas prices.'' Well, we're now over $4 a gallon, up more than 76 percent since Democrats took Congress. It's clear that plan never materialized.

American families, truck drivers, and small business owners deserve action from Washington, not more broken Democrat promises. They deserve real solutions, and that's exactly what we Republicans have to offer, initiatives that will make us less dependent on foreign Nations for energy, will create jobs here at home, and will grow the American economy.

In order to put us on a path to energy independence, we must increase the production of our vast amount of resources in an environmentally sound manner, while encouraging conservation. We must continue to invest in renewable energy resources. We must also increase our nuclear capacity, too.

It's time for real solutions, Mr. Speaker, not more broken promises from the Democrats.

RISING COST OF FOOD

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

Mr. MCGOVERN. Mr. Speaker, this fall, the rising cost of food will be felt by schools from Massachusetts to Hawaii, an impact that will severely strain the budgets of school districts across this great land.

Today, Chairman GEORGE MILLER and the Education and Labor Committee will hold a hearing on the rising cost of food and the impact on the school meal programs. Sadly, healthier food choices may be scrapped for cheaper, less nutritious food. After-school meal programs may be scaled back or eliminated. Our kids will pay the price.

There is no easy answer to this problem, but we can all agree that we cannot let this food price crisis result in our school-aged children going without food simply because school districts are struggling with these rising prices.

I commend Chairman MILLER for holding this hearing, and I look forward to working with him on this important issue.

LET'S TAKE ACTION

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

Mrs. BLACKBURN. Mr. Speaker, it's good to be back. I had a wonderful week in my Seventh Congressional District in Tennessee, a great district that has rural areas, suburban and metropolitan areas. And everywhere I went, people were saying: What is Congress going to do right now to get the price down at the pump?

Well, my constituents know this affects every family every day, the price at the pump. They also know it is an energy independence issue, and yes, indeed, they do know that this is an issue of national security.

Yet the Democrat leadership of this House doesn't want to do one thing on debating this issue. Well, we have some bills that are in there.

How about, Mr. Speaker, if we debate H.R. 3089, a bill to promote domestic oil, natural gas, and nuclear energy production? Or there's H.R. 5984, to offer incentives for clean energy production and energy efficiency?

The Democrat solution seems to be simple and ill-advised: just drive a smaller car, take the bus, or walk if you can.

These may not be bad things, but they are often impossible for Tennesseans in my Seventh Congressional District. They want real solutions now.

BIG OIL DOESN'T NEED MORE LAND TO DRILL—THEY SHOULD USE IT OR LOSE IT

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

Ms. WATSON. Mr. Speaker, Americans continue to suffer pain at the gas pump due to 7 years of missed opportunities and outdated policies. President Bush's energy strategy was literally written by the oil companies—give more public resources to the same oil companies that are raking in record profits while Americans are reeling from record prices.

Every day we hear House Republicans demanding the need for more domestic drilling in order to reduce gas prices. What we don't hear is anyone on that side of the aisle demanding that Big Oil drill on the 68 million acres of land they are sitting on, refusing to develop.

Legislation on the floor today will force those oil companies to produce oil and gas or diligently develop the 68 million acres of public land they already have, otherwise they will lose the leases. Experts estimate that these reserves could produce an additional 4.8 million barrels of oil.

THE COOPER-WOLF SAFE COMMISSION: A BIPARTISAN SOLUTION

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

Mr. WOLF. Mr. Speaker, Dietrich Bonhoeffer, the German pastor who stood up to the Nazis, said, ''The ultimate test of a moral society is the kind of world that it leaves to its children.'' And this Congress is failing to serve the American people and failing to serve our children.

We have more than $53 trillion in unfunded liabilities and $9 trillion of debt. China, who violates human rights and religious freedom, holds our debt. The Saudis, who fund radical Wahhabism all over the world, hold our debt.

Standard and Poor's Investment Service predicts loss of AAA bond rating as early as the year 2012.

Is this bleak scenario what the 110th Congress wants to leave our children and grandchildren? If the ultimate test of a moral society is the kind of world it leaves to its children and grandchildren, this Congress is failing miserably.

Congressman COOPER and I have a bill, the SAFE Commission Act that has 105 cosponsors, that would put everything on the table, entitlements and tax policies, in order to rein in Federal spending. If we could come together, both sides of the aisle, we can ensure that our children and our grandchildren don't have to worry about the day when China and Saudi Arabia decide to call in our debt.

ENERGY POLICY

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

Mr. BLUMENAUER. Mr. Speaker, it's amusing to listen to my friends on

the other side of the aisle decrying Democrats as somehow responsible for the problem of the current high energy prices.

The fact is our friends on the Republican side controlled everything, by and large, for the last 7 years. They passed an energy bill in 2005 which was a perfect energy bill for the 1950s.

Nothing that they are proposing in terms of draining America dry by opening up more drilling is going to make any difference for 8 to 20 years, according to all the experts, and oil companies already have 68 million acres available for exploration now that we're encouraging them to use.

It's interesting that after the Republicans blocked even a study of improved fuel efficiency standards for our vehicles, the Democrats for the first time in 30 years have improved those efficiency standards. We're stopping Government competition with the oil companies by suspending Federal purchase of oil for the Strategic Petroleum Reserve. We had to pass legislation to force the administration to do that.

Now, we're looking at squeezing speculators a little bit, and there are a range of choices to help commuters compete now.

It is time for us to talk honestly about the options and what's going to make a difference, not pretending that turning our energy future over to oil companies will make any difference in price or supply for years to come.

FLUOR'S IMPACT IN THE GREENVILLE COMMUNITY

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

Mr. INGLIS of South Carolina. Mr. Speaker, you know, there's plenty of economic bad news around, coupled here and there, and we've had our share of those in the upstate of South Carolina, but there's also some bright spots, and those are very much worth celebrating.

Fluor Corporation's employment in Greenville, South Carolina, has gone from 2,500 in 2003 to 5,400 today. An additional 3,200 project-based workers help in projects around Greenville. Fluor is currently looking for 2- to 300 engineers to come help with significant new projects that they've won all around the world.

In fact, their growth has been so significant they've been a major cause of the drop in the vacancy rate in class A office space in downtown Greenville, going from 24 percent down to 11.9 percent in the central business district.

That's impressive, Mr. Speaker. It's worth celebrating, and especially worth celebrating is the fact that Fluor will now be taking over the contract at the Savannah River Site, where for 50 years, we've been producing and storing tritium, a radioactive isotope of hydrogen that will give us the opportunity to learn how to store hydrogen and break through to a hydrogen economy.

THE ENERGY DEBATE

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

Mrs. BACHMANN. Mr. Speaker, I actually think that we're at a refreshing point of clarity in the energy debate, because the one thing that we have learned is the only thing standing between the American people and lower energy prices at the pump is the Democrat-controlled Congress.

They've made their position very clear. It is drive less and pay more. Or, as we heard yesterday, drive small cars and wait for the wind. Or, the other suggestion we've heard is the Congress has done such a wonderful job running a railroad, now let's have Congress take over the energy industry and we can run that, too.

It's only been in the last 18 months that we have seen energy prices increase a dramatic 76 percent. At 9 percent approval rating, I don't think we're hearing a clamoring from the American people for Congress to take over and run anything.

The Republican Party now has become the party of the little guy. We want to open up energy exploration, permit expediting so that we can get this online. We don't have to wait 20 years. That's Congress that caused those barriers. Congress can unlock those barriers and bring clarity back to the issue.

□ 1045

ENERGY CRISIS

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

Mr. SHIMKUS. Mr. Speaker, here is the problem: When President Bush took over as President the price of a barrel of crude oil was $23. When the Democrats became the majority, the price of a barrel of crude oil was $58. Today, it's hovering around $140 per barrel of crude oil. All we're trying to do on this side is bring forth some solutions. We're doing that today with a discharge petition on one such technology, coal-to-liquid technologies, H.R. 2208. It's not my bill. It's my Democrat colleague, RICK BOUCHER's, bill.

The United States has the largest coal reserves in the world, 250 billion tons of recoverable coal. China has invested $24 billion in coal-to-liquid technologies. We, in the United States, have invested zero. The largest reserves, zero investments.

This is how it works: We operate a U.S. coal mine, U.S. jobs. We build a coal-to-liquid refinery, U.S. jobs. We have liquid fuel to compete with crude oil fuel, we pipe it in a pipeline, U.S. jobs. We go to our aviation industry with jet fuel. All these budget airlines are going broke because of high cost fuels. This is ''a'' solution, not one, but one of many.

PROVIDING FOR CONSIDERATION OF H.R. 5811, ELECTRONIC MESSAGE PRESERVATION ACT

Mr. WELCH of Vermont. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1318 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1318

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 5811) to amend title 44, United States Code, to require preservation of certain electronic records by Federal agencies, to require a certification and reports relating to Presidential records, 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 Oversight and Government Reform 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 Oversight and Government Reform; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 5811 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.

The SPEAKER pro tempore (Mr. HOLDEN). The gentleman from Vermont is recognized for 1 hour.

Mr. WELCH of Vermont. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my good friend, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

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

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

There was no objection.

Mr. WELCH of Vermont. I yield myself such time as I may consume.

Mr. Speaker, H. Res. 1318 provides a closed rule for consideration of H.R. 5811, the Electronic Message Preservation Act. The resolution, as you know, provides 1 hour of debate controlled by the Committee on Oversight and Government Reform. The rule makes no amendments in order because no amendments were submitted for consideration.

H.R. 5811 is an important bill introduced by Chairman WAXMAN that modernizes the requirements of the Presidential Records Act and Federal Records Act to ensure that vital government records are preserved for historical posterity.

The Electronic Message Preservation Act will make certain that we retain important Presidential records by directing the Archivist to establish standards for the capture, management, and preservation of White House and Federal agency e-mails. The Archivist of the U.S. will set new standards for tracking Federal e-mail records and annually will certify whether the records management controls put in place by the President meet those standards and comply with the act.

The bill will protect American history so that we will not lose important records in an antiquated record system that exists now, but it will also guide and enforce document retention policies within the executive branch.

The bill is very necessary. Through its investigations, the Oversight and Government Reform Committee discovered that in one instance the current White House had lost hundreds of days of e-mail, and in other instances allowed numerous White House officials, including Senior Advisor Karl Rove, to use Republican National Committee e-mail accounts for government business—improper, obviously. E-mails sent by White House officials over these RNC accounts related to official government business, and potentially hundreds of thousands of these e-mails have been destroyed.

In addition, the White House did grossly mismanage its own e-mail records and ignored concerns that were raised not by Congress, but by the National Archives, about the way it was storing e-mails.

Further, the current print-and-file record retention systems are both unreliable and not in step with modern advances in technology. For example, when President Bush came into office, the White House had an automated system in place for archiving e-mails, but in 2002, the White House decided to abandon this archiving system and replace it with an ad hoc manual system, doing so in an electronic age. White House officials were warned by the technical staff of their own White House staff and by National Archives that this ad hoc manual system for managing e-mails presented an obvious threat and serious threat of losing records. And the White House's own technical expert said the system was, to use the word of that expert, ''primitive'' and carried a high risk that ''data would be lost.'' Yet, despite these warnings, the White House has still not put into place a reliable, up-to-date system for preserving e-mails.

This bill will change that. It will require the Archivist to establish specific standards for the management and preservation of electronic messages, including the capability to retrieve messages through electronic searches. These standards will help prevent a situation like what is happening under this administration. H.R. 5811 directs e-mail records to be stored electronically and removes ambiguity in the current law that was established before we even had e-mail.

The bill and the manager's amendment were approved by voice vote in the committee because it is timely and it's necessary. I urge the passage and a ''yes'' vote on the rule.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to thank my good friend, the gentleman from Vermont (Mr. WELCH), for the time; and I yield myself such time as I may consume.

During an interview last week, the distinguished majority leader, Mr. HOYER, said that he is opposed to a lame-duck session, and that he is committed to adjournment sine die by the previously announced date of September 26. If the majority decides to follow that commitment to adjourn the 110th Congress on September 26, then Congress has only 7 weeks of session left to complete its work for the year.

And so as Congress begins its last 7 weeks of work before recessing, what important pieces of legislation are at the top of the majority's priority list? Well, maybe it's passing the 12 appropriations bills before the end of the fiscal year, or maybe energy legislation to deal with the record gasoline prices consumers are paying each day. No, Mr. Speaker, they've decided that those problems can wait for another day, for another Congress. Instead, their legislative priorities are to designate a 600-mile historic trail and to require preservation of electronic records.

I spent most of last week meeting and speaking with constituents in my district about the issues that matter to them; and, Mr. Speaker, no one mentioned anything closely related to these two bills. These bills may be important in their own right, but there certainly are other issues that are much more pressing issues that we should be debating, that we should be dealing with.

When Americans are paying over $4 per gallon for gasoline, we should be working on legislation to lower gasoline, increasing domestic energy exploration, and reducing our reliance on unstable foreign energy. France produces approximately 80 percent of its electricity from nuclear power, and yet the United States has not built a new nuclear plant in about 30 years.

Why does the majority refuse to consider legislation to deal with our energy and other serious problems? According to an article published in the newspaper The Hill on Tuesday, the majority, and I quote, ''has scrubbed the floor schedule of the energy legislation that it vowed to tackle after the Fourth of July recess.''

Why doesn't the majority schedule energy legislation for debate? Maybe it's because they don't have a real plan. If you read the rest of The Hill article, you find out what a Democratic aid called the majority's plan: ''Right now, our strategy on gas prices is to drive small cars and wait for the wind.'' That's most unfortunate. That ''non-plan'' ignores the urgent call of Americans for Congress to pass serious energy legislation.

I know the majority will claim that they expect to take up energy legislation soon and the committees of jurisdiction are considering possible legislation, but they already pulled legislation they expected to consider after the July 4 recess, and we still have to consider 12 appropriations bills, housing legislation, the Medicare payment fix for physicians, an alternative minimum tax fix, and numerous conference reports. That doesn't leave much time for energy legislation. Maybe if the majority had different priorities, we would be considering energy legislation today instead of legislation designating a 600-mile historic trail and legislation requiring promulgation of regulations to preserve electronic records.

I wish to take this occasion to congratulate the majority on breaking their own record of most closed rules. The proposed rule we are considering now marks the 59th closed rule of this Congress, the most of any Congress in the history of the Nation. It didn't have to be that way.

Before the new majority took over control of the House they laid out their promises for a more civil, more open, and more transparent House in a document entitled ''The New Direction for America.'' The document provides clear guidelines for how legislation should move through the House. One of the promises made in the document is that ''bills should generally come to the floor under a procedure that allows open, full and fair debate, consisting of a full amendment process that grants the minority the right to offer its alternative, including a substitute,'' yet here we are with a closed process that doesn't allow Members from either party the ability to offer amendments.

The majority continues to break their promise on allowing an open, full, and fair debate and their promise to consider energy legislation after the July 4 recess. So much for their promises.

ENERGY BILL OUT OF GAS

(By Jared Allen and Mike Soraghan)

House Democrats are in a bind on the focal point of their energy plan.

Worried that a floor vote on any energy-related measure would trigger a Republican-forced vote on domestic drilling, the leadership has scrubbed the floor schedule of the energy legislation that it vowed to tackle after the Fourth of July recess.

Just before leaving for their districts, a number of House Democrats called a press conference to declare victory on a number of energy bills—including overwhelming passage of a bill to rein in excessive oil market speculation.

Democrats declared victory on a bill they failed to pass on the suspension calendar—their ''use it or lose it bill'' to force energy companies to either start drilling on their federally leased land or give it back—saying they had put 176 Republicans on record as siding with the oil companies over consumers.

And they vowed that the bill, the centerpiece of their energy message, would be back.

''We've taken some bold steps this week, and we're going to build on that [after recess] with the bills we take up,'' Democratic Caucus Vice Chairman John Larson (Conn.) said at the press conference.

But, as of Monday afternoon, neither ''use it or lose it'' nor any other energy measure had been scheduled for floor action this week.

Democrats said they were simply taking a different approach to passing their top energy-related priorities.

Nadeam Elshami, spokesman for House Speaker Nancy Pelosi (D–Calif.), said energy activity this week is taking place at the committee level, noting that there are four hearings planned on the issue of speculation in oil trading.

''Different members have different ideas,'' Elshami said. ''We'll bring forward the best piece of legislation based on the recommendations and hearings we are having this week.''

Republicans pounced, saying Democrats were backtracking after realizing they would be unable to defeat a Republican vote on increased domestic oil drilling in new areas.

''It's panic time for Democrats,'' said a senior Republican aide. ''They are on the wrong side of three-quarters of the American people who support increased production of American-made energy.''

While Democrats were in their districts advocating their plans to end gas price-gouging, rein in speculation, pass ''use it or lose it'' and even call for President Bush to release millions of barrels of crude oil from the Strategic Petroleum Reserve (SPR), Republicans were touting polls showing that a healthy majority of Americans now support increased domestic energy production.

That is proving to be a particular concern for Democrats in that any non-suspension-calendar energy vote would be subject to a Republican alternative, almost certainly calling for offshore and Arctic drilling, that would very likely pass.

''If we could send deepwater drilling over, it would pass the Senate,'' said a Republican leadership aide, highlighting just how much an energy vote could backfire on Democrats.

A senior Democratic leadership aide acknowledged this week that there are plenty of members of the majority caucus ''who want to drill and want to drill where Republicans want to drill.''

Even if Democratic leaders could beat back a GOP motion on drilling, the vote could be used as political ammunition against their vulnerable members this fall.

The Democratic setbacks come after they scored a political victory this spring when they overwhelmingly passed an SPR bill over initial White House objections. But Republicans now claim they have the upper hand, noting that Sen. John McCain (R–Ariz.) is citing drilling repeatedly on the campaign trail.

Further complicating matters for Democrats is the growing number of pro-drilling Democrats who are becoming increasingly worried that voters might throw them in with their anti-drilling leadership.

One pro-drilling Democrat predicted that the backlash against Congress for gas prices could rival the outrage voters felt about the Jack Abramoff lobbying scandal.

Another, Rep. Charlie Melancon (D–La.), is frustrated at not being listened to.

''My concern with my leadership is that they're not letting all the people in the room to present the facts,'' said Melancon, a proponent of more offshore drilling. ''Where are all the pro-oil legislators? I'm not in the room. I don't know who is. My feeling is we are not being all-inclusive to pass legislation that can get through the Senate and avoid a veto.''

For now, though, there will be no legislation to pass, as the only energy-related action this week will occur at the committee level.

Republicans may try to continue a strategy they demonstrated before recess by forcing drilling votes as energy amendments to bills being considered at the committee level, including appropriations bills.

And Republicans may go one step further by trying to get amendments added to the energy and water appropriations bill, a likely contender to see the floor this week.

''We're going to demand a pro-production energy vote before Congress goes home for the month of August,'' said House Republican Conference Chairman Adam Putnam (Fla.). ''We've tried to highlight efforts to solve America's energy problem a thousand ways to Sunday, and [Democrats] keep pulling them from committee, pulling them from the floor and kicking the can down the road.''

Exactly when Democrats will change their present course and bring an energy bill to the floor remains uncertain.

''Right now, our strategy on gas prices is 'Drive small cars and wait for the wind,' '' said a Democratic aide.

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

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, we're talking about e-mails. We're talking about the rule on e-mails for Federal agencies, for the White House. But the truth is, the e-mails that keep coming in are desperate. What we saw in the last week were people running out of gas in greater numbers than ever before.

The Democratic Party, the once proud party, always talked in terms of helping the little guys. The little guys are suffering. The little guys are hurting. We're losing union jobs because our energy has gotten so expensive in this country and we're overtaxing some of the people providing the jobs.

□ 1100

Gas is going from $4 to $5, and this Congress could make a huge difference, and we're talking about e-mails. The e-mails say we need help, do something. And we can. And I know that we have some courageous Democratic friends across the aisle that want to do something and could do something, but the Democratic leadership seems vested in this idea that really we won't say it publicly but $20 a gallon for gas would be a good thing because people would quit driving and that would save the planet, not realizing when you tank an economy, people quit caring about the environment, as they should, because they're worried about having food, having shelter, taking care of their families. And we could help them if we bring the right bills to drill now, to mine what we have.

Those of us who believe in God have got to believe God is sitting there going, Look at what all I gave you in the way of natural resources. And yet the last bill to come out of our Natural Resources Committee this last month was to put our last best source of uranium off-limits for some made-up, contrived emergency that doesn't exist. I think the bill will end up being unconstitutional, but it still shows we're still putting our resources off-limits.

If you're worried about killing caribou, we have seen that when we put a warm pipeline out there in the middle of the Alaskan wilderness area, then the caribou thrive. They go mate around the pipeline. We're up over ten times the number of caribou we used to have. If you're worried about killing fish off the coast by drilling, we have seen in Texas it creates artificial reefs, and that's where people go fish now.

We can help the people and the environment if we will use what we have got because in the years to come, the archivists are going to come pull e-mails and see that the number one concern of people right now in this country was energy and all we wanted to talk about was e-mails and scenic trails when they haven't got gasoline to drive to those trails.

Let's help Americans where they need help. Let's do the right thing. Let's work on energy and producing what we have got.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Illinois (Mr. SHIMKUS).

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

Mr. SHIMKUS. Mr. Speaker, I want to follow up with my colleague from Texas since we are talking about e-mails, and I, in essence, concur with him. The number one message we are getting back from our constituents is high energy prices. And when the historians go back to reclaim our files to write some analysis on what this Congress did at its hour of need and we make sure they can pull our e-mails, they are going to find us inundated with ''energy prices are too high,'' and then they're going to look at the record and ask, well, how did Congress respond? And for the first 18 months of this Congress, and we only have about half a year left, we have done nothing.

This is the problem: $23 a barrel when Bush came into office, $58 a barrel when the Democrats assumed the majority. I didn't check the market today yet. As of yesterday, it was $140 a barrel. What we are saying here is the trend line is bad, and what we are saying is the trend line is not sustainable

if we want a middle class in this country, if we want people in rural America to live in rural America.

In rural America I represent parts of 30 counties of Southern Illinois. We have to drive many miles to get to health care. We have to drive many miles to get to our primary schools, our secondary schools. We have to drive big trucks because we're hauling seed, we're hauling feed, we're hauling livestock. They're working trucks. They can't operate on an electric engine, a plug-in type of vehicle. Now, that may be good for some parts of the country. It's not good for rural Southern Illinois.

So here we are on the floor just back from a week at home, the 4th of July break, thinking that it's time to roll up our sleeves and work to help address the concerns because we know they are going to take a while to fix. It's not like we can snap our finger. A lot of times we get asked, what can we do immediately? What can we do immediately? One of the answers is to lower the Federal gas tax. That's something we can do immediately. What is another thing we can do immediately? Well, the public has to conserve. The individual has to do something immediately, and they're doing it. We are driving fewer miles today but we're paying more. Does that make sense? Drive less, pay more? That's as bad as drive small cars and wait for the wind. The other policy is drive less, pay more. That's not a good energy policy.

So we're ready to come back. We're ready to be open. We are ready to be accessible. Compromise on this floor. Bring some supply to the debate. Bring some efficiency. Bring some renewables. Let's strike an agreement.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield the gentleman an additional 1 minute.

Mr. SHIMKUS. There is a great example of that, Mr. Speaker. My friend PETER ROSKAM from Chicago, he has a bill called the Vision Act, which uses the royalties of the Outer Continental Shelf, uses the Federal money and then plows it into renewables—solar, wind, electric—because it's all going to cost money.

So here's the problem. Here's the solution: The Outer Continental Shelf, coal to liquid, solar, wind, renewable fuels. All the above, that's our policy. American-made energy translates into American-made jobs, which lowers prices for everyone. And the point should be made. It's the middle class, the lower middle class who are exponentially harmed by higher energy prices. They can't afford the new technology. They can't afford the new cars. They have to buy the used car off the lot that gets poor gas mileage because they are trying to make ends meet.

We are on the right side of this issue.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. SHIMKUS. I thank my colleague.

Today, Mr. Speaker, another great opportunity, and I will mention it in 1 minute. The United States has the largest reserve of recoverable coal in the world. Why not take that coal, create United Mine Worker jobs recovering the coal, build a coal-to-liquid refinery, turn that into jet fuel, gasoline, diesel fuel, build it in the central part of the country where the coal fields are so it's not disrupted by the storms in the gulf coast, pump it to our airports so that they have a competitive product versus crude oil jet fuel so that we don't lose our budget airlines.

Four budget airlines have got bankrupt. Four budget airlines. That means ticket takers, stewardesses, pilots, baggage handlers now without a job. Why? High energy costs. And we come to the floor with a national historic trail and protecting e-mails and 15 suspension bills.

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

Mr. LINCOLN DIAZ-BALART of Florida. Again, I thank my friend from Vermont for his courtesy in yielding the time.

Mr. Speaker, Americans are now paying over $4 a gallon for gasoline; yet the majority fails to bring legislation to the floor to lower gas prices or decrease our dependence on foreign sources of energy. It is time for the House to debate ideas for lowering prices at the pump and addressing the skyrocketing cost of gasoline. So today I urge my colleagues to vote with me to defeat the previous question so this House can finally consider real solutions to rising energy costs. If the previous question is defeated, I will move to amend the rule to allow for consideration of H.R. 2208, the Coal-to-Liquid Fuel Act. This legislation would encourage the use of clean coal-to-liquid technology, authorizing the Secretary of Energy to enter into loan agreements with coal-to-liquid projects that produce innovative transportation fuel.

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. Mr. Speaker, by voting ''no'' on the previous question, Members can take a stand against these high fuel prices and for doing something about them. I encourage a ''no'' vote on the previous question.

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

Mr. WELCH of Vermont. Mr. Speaker, I yield myself the balance of my time, and I'm going to approach the podium to use some charts.

Mr. Speaker, this bill is about the preservation of electronic records. The debate has turned into a discussion of our energy policy. And there are two reasons why we would be discussing energy instead of the substance of the actual bill. One is that our friends on the other side don't have anything to say about the importance of the preservation of electronic records. Two is they want to use the opportunity of floor time to make a case, their case, about energy. I intend to respond to both of those issues.

First of all, I want to go back to what this legislation is about. It's about the preservation of the historical record for the American people. It's also about the preservation of the records of the administration so that in the future when any Congress wants to hold any President accountable, there will be documentation of what has happened in that administration.

It is extraordinarily important that this Congress restore its constitutional function of insisting on accountability for the American people. We have three branches of government, and one of them has been asleep for the 6 years going into the year 2006, and that was Congress, the legislative representative of the people of this country, who demand and are entitled to accountability. If you do not have the preservation of the records of their government—these are not records belonging to the President. They're not records that belong to the executive branch. It's not for them to decide ''yes'' or ''no'' that we will preserve these records. This is a right of the American people. It's their property. And what this electronic records preservation does is say that you cannot use the paper system that doesn't work in an electronic age in effect to conceal from the American people what you did. It is overdue. And to take this debate and inject into it another topic, as important as energy is, is to trivialize the fundamentally important responsibility that this Congress has to the American people to restore oversight and accountability.

This government has make enormous mistakes and justified them by concealing information from the American people. What do you need to know more than what happened in the pathway to the war in Iraq? If the truth had been out there for the American people and for many in this body to know what the President knew and when the President knew it, what the administration knew and when they knew it, we would not be in this catastrophe for the American people called the war in Iraq.

So this legislation that says that e-mail records are going to be restored and retained electronically is of profound constitutional importance to the continuation of Congress in its role as the overseer and protector of the American record and the American taxpayer. So on its merits, this legislation should be considered as of absolute

vital importance to the people of this country. And we have heard no objections, and, indeed, this legislation was passed by voice vote.

Now, since the issue was raised, since the debate on this profoundly important question of constitutional oversight has been hijacked to turn it into an energy debate where it really doesn't belong, I am nevertheless going to respond to the arguments.

□ 1115

You start by this proposition. Implicit in many of the arguments that my friends on the other side made was that those of us on the Democratic side somehow don't understand the pain that the American consumer is experiencing with these record high gas prices.

I have got to just speak about Vermont. What I hear about from Vermonters is fear. I've never heard this. And gas prices are tough. They are trying to figure out how to get from here to there and pay for it. They've got cars that they don't get great mileage. They are doubling up. They are doing what they can. But, bottom line, the thing they are terrified about and they have real anxiety is how are they going to heat their homes next year.

We have to heat our homes there. And, folks, when they see that gas delivery truck show up, and last year it was like $2.50 a gallon, it's going to be $5 a gallon next year, and these families don't have the money to pay $1,000, $1,500, $2,000 to fill up a tank. They don't know what they're going to do. And we are going to see Vermonters who are doubling up. Generations are going to be living together because they don't know how they are going to pay that bill.

So, believe me, there's not a single Member in this House, Republican or Democrat, who doesn't profoundly understand the impact that this is having on everyday people, on our small businesses, on our economy.

So we can go back and forth with the accusations and we can go back and forth with the slogans, or we can acknowledge the obvious. The obvious is we have to do everything that we can in the short term to try to bring relief at the pump, to try to bring pressure off the small business and the consumer. Anything in the short-term that we can do, we should do, and we should do it together. But we also have to move to a long-term energy policy that no longer allows oil to have an iron grip on our future. That is what Americans know.

Short-term, what are some of the things we can do? We have done them. We stopped filling up the Strategic Petroleum Reserve. It will reduce demand by 70,000 to 90,000 barrels a day. Second, we are considering legislation for the oil companies to use the leases they have, or lose them.

There's this debate about bringing production online. Obviously, supply is an issue here. In the world, we pump about 86 billion barrels a day. We consume about 87 billion barrels a day. But the fact is that the slogans that I am hearing about just opening up other offshore areas in ANWR totally ignores the current reality, and that is that the oil companies, that are very good at what they do, have leases, existing leases that they pay good money on, on 68 million acres of land. That land, their leases, their leases exceed by 2½ times the area of the State of Ohio, the Minority Leader BOEHNER's district; 2 times the State of Illinois; 2½ times the size of Pennsylvania. These are leases on Federal lands, onshore and offshore.

What are the oil companies doing? Not much. They are producing oil on a fraction of the leaseholds that they have.

Mr. SHIMKUS. Would the gentleman yield?

Mr. WELCH of Vermont. No, I won't.

In reality, if there was full production on all the areas under lease, it could produce 4.8 million barrels of oil a day.

Mr. SHIMKUS. Would the gentleman yield for debate on these lease issues?

Mr. WELCH of Vermont. I am going to take my time. Thank you.

Mr. SHIMKUS. So you don't want to debate the lease issue.

The SPEAKER pro tempore. The gentleman from Vermont controls the time.

Mr. WELCH of Vermont. Thank you, Mr. Speaker.

That could produce 4.8 million barrels of oil a day. Yet the oil companies are not drilling where they have leases to do so. Instead, we are turning this argument into the prospect that we may be able to drill in the future on other places where there aren't leases, waiving away what will be the long-term problems of trying to make that come online, and the fact that it would probably save about a penny and a half a gallon in 10 to 20 years. That is not fair, direct honesty in the debate for the American people.

Mr. SHIMKUS. Would the gentleman yield to debate? You are talking about debate.

Mr. WELCH of Vermont. I thank the gentleman, but I intend to finish. I control the time.

Mr. SHIMKUS. So you don't want to debate the lease issue.

The SPEAKER pro tempore. The gentleman from Vermont controls the time.

Mr. WELCH of Vermont. So what do we have? We have a situation where the oil companies are not drilling where they can, and we are saying to them, Drill where you can. We also have a situation where the oil companies, the longer they wait, the more they make. If you're sitting on leases and oil in the ground, under the sea was $35 a barrel when you bid that lease, then it went to $75, then it went to $100, and now it's $140 a barrel, you're making money just having that in the bank. So the oil companies, the longer they wait, the more they make.

We know that oil company profits are exploding.

Mr. SHIMKUS. Would the gentleman debate the oil profits issue? Will you debate me on the energy debate?

The SPEAKER pro tempore. The gentleman from Illinois is not recognized. The gentleman from Vermont controls the time.

Mr. WELCH of Vermont. Thank you, Mr. Speaker.

The oil companies have made $125 billion. Record profits again this year. How are they spending that money? Are they investing in refineries, are they investing it in renewable energy, are they investing in drilling rigs or offshore facilities to drill in those areas? No. They are buying back their stock.

The oil companies, energy producers, should be part of the solution, and they should be using the technical ability that they have, the extraordinary skills that they have and the extraordinary profits that they have to help us find a way to an energy independent future, and it's not happening.

We know that, bottom line, everything we can do short-term, we can do, but the idea that we can do instantly something is a stretch. But what we can do, we should do.

On speculation, we are considering legislation now, and as we speak, the Chair of the Agriculture Committee, Mr. PETERSON, is conducting 3 days of hearings to try to squeeze the speculator instead of having the speculators squeeze us; on not filling up the Strategic Petroleum Reserve and topping it off.

I am demanding of the oil companies that they start producing oil in those 68 million acres where they actually have leases and the right to be producing that oil. They could produce 4.8 million barrels of oil a day. Do you know what we produce domestically right now? Five million barrels of oil a day. It could lead to a doubling of the production.

So the fact is there are things that can be done that we are promoting that they be done aggressively. We are insisting that the oil companies be accountable to use and produce on the leases that they have, yet they refuse to do it. And we have been consistently and aggressively moving for a new energy policy that is going to create green jobs, that is going to give us much greater independence in foreign affairs, and is going to help us clean up our environment.

A confident nation is one that faces directly the problems that it has. And when it comes to the question of energy, what symbolized for me the energy policy that this country has had was a front page picture of the President of the United States, hand-in-hand with King Abdullah of Saudi Arabia as they were about to go into a meeting. In the custom of the Arab States, they walked into that holding

hands. The purpose of that meeting was for the President of the United States, the greatest country on Earth, to implore the King to increase production of oil.

You know what? A confident nation, a nation that takes on the challenge of solving its own problems, does not go hat in hand to others and ask them, who are not our friends, incidentally, to solve our problems. We take that challenge on ourselves. We take it on because it's our responsibility. We also take it on because we know that in the doing of it, we are going to create jobs, clean our environment, and give us much more latitude in foreign policy.

So this debate on energy, misplaced as it is in this matter of electronic records and restoring the responsibility of Congress to the American people to conduct oversight and to preserve a historical record, important as that is, the argument on energy, the question of energy is the profound question that this country faces economically for the next generation, and the challenge will be whether we are willing to face that squarely and take it upon ourselves to solve our problems, or we are going to continue to be dependent on oil companies that have not played on behalf of the American people and on foreign countries that are not our friends; Venezuela, Middle East States, Russia. We have to take on this challenge ourselves.

Mr. Speaker, I will just close by saying, going back to this bill, that it's an extraordinarily important bill, not just so that we can preserve records, but that we in Congress can restore confidence to the American people that we are a cop on the beat.

This bill makes significant and long overdue changes to document retention systems that were outdated and inefficient. The vast amount of government business that is currently conducted over e-mail requires that we update the law regulating record retention. Government e-mails should not be deleted or destroyed, as they are as important in revealing to the public and historians as paper documents, and we all know that.

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

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

AMENDMENT TO H. RES. 1318 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 3. Immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider in the House the bill (H.R. 2208) to provide for a standby loan program for certain coal-to-liquid projects. All points of order against the bill are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking member of the Committee on Energy and Commerce, and the chairman and ranking member of the Committee on Science and Technology; and (2) an amendment in the nature of a substitute if offered by Representative Dingell of Michigan or his designee, which shall be considered as read and shall be separately debatable for 40 minutes equally divided and controlled by the proponent and an opponent; and (3) 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. WELCH of Vermont. 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.

RECORDED VOTE

Mr. WELCH of Vermont. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

PENSION PROTECTION TECHNICAL CORRECTIONS ACT OF 2008

Mr. POMEROY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6382) to make technical corrections related to the Pension Protection Act of 2006, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6382

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

SECTION 1. SHORT TITLE; REFERENCES TO ACTS.

(a) IN GENERAL.—This Act may be cited as the ''Pension Protection Technical Corrections Act of 2008''.

(b) REFERENCES TO ACTS.—For purposes of this Act:

(1) AMENDMENT OF 1986 CODE.—The term ''1986 Code'' means the Internal Revenue Code of 1986.

(2) AMENDMENT OF ERISA.—The term ''ERISA'' means the Employee Retirement Income Security Act of 1974.

(3) 2006 ACT.—The term ''2006 Act'' means the Pension Protection Act of 2006.

TITLE I—TECHNICAL CORRECTIONS RELATED TO THE PENSION PROTECTION ACT OF 2006

SEC. 101. AMENDMENTS RELATED TO TITLE I.

(a) AMENDMENTS RELATED TO SECTIONS 101 AND 111.—

(1) AMENDMENTS TO ERISA.—

(A) Clause (i) of section 302(c)(1)(A) of ERISA is amended by striking ''the plan is'' and inserting ''the plan are''.

(B) Section 302(c)(7) of ERISA is amended by inserting ''which reduces the accrued benefit of any participant'' after ''subsection (d)(2)'' in subparagraph (A).

(C) Section 302(d)(1) of ERISA is amended by striking '', the valuation date,''.

(2) AMENDMENTS TO 1986 CODE.—

(A) Clause (i) of section 412(c)(1)(A) of the 1986 Code is amended by striking ''the plan is'' and inserting ''the plan are''.

(B) Section 412(c)(7) of the 1986 Code is amended by inserting ''which reduces the accrued benefit of any participant'' after ''subsection (d)(2)'' in subparagraph (A).

(C) Section 412(d)(1) of the 1986 Code is amended by striking '', the valuation date,''.

(b) AMENDMENTS RELATED TO SECTIONS 102 AND 112.—

(1) AMENDMENTS TO ERISA.—

(A) Section 303(b) of ERISA is amended to read as follows:

''(b) TARGET NORMAL COST.—For purposes of this section:

''(1) IN GENERAL.—Except as provided in subsection (i)(2) with respect to plans in at-risk status, the term 'target normal cost' means, for any plan year, the excess of—

''(A) the sum of—

''(i) the present value of all benefits which are expected to accrue or to be earned under the plan during the plan year, plus

''(ii) the amount of plan-related expenses expected to be paid from plan assets during the plan year, over

''(B) the amount of mandatory employee contributions expected to be made during the plan year.

''(2) SPECIAL RULE FOR INCREASE IN COMPENSATION.—For purposes of this subsection, if any benefit attributable to services performed in a preceding plan year is increased by reason of any increase in compensation during the current plan year, the increase in such benefit shall be treated as having accrued during the current plan year.''.

(B) Section 303(c)(5)(B)(iii) of ERISA is amended by inserting ''beginning'' before ''after 2008''.

(C) Section 303(c)(5)(B)(iv)(II) of ERISA is amended by inserting ''for such year'' after ''beginning in 2007)''.

(D) Section 303(f)(4)(A) of ERISA is amended by striking ''paragraph (2)'' and inserting ''paragraph (3)''.

(E) Section 303(h)(2)(F) of ERISA is amended—

(i) by striking ''section 205(g)(3)(B)(iii)(I)) for such month'' and inserting ''section 205(g)(3)(B)(iii)(I for such month)'', and

(ii) by striking ''subparagraph (B)'' and inserting ''subparagraph (C)''.

(F) Section 303(i) of ERISA is amended—

(i) in paragraph (2)—

(I) by striking subparagraph (A) and inserting the following new subparagraph:

''(A) the excess of—

''(i) the sum of—

''(I) the present value of all benefits which are expected to accrue or to be earned under the plan during the plan year, determined using the additional actuarial assumptions described in paragraph (1)(B), plus

''(II) the amount of plan-related expenses expected to be paid from plan assets during the plan year, over

''(ii) the amount of mandatory employee contributions expected to be made during the plan year, plus'', and

(II) in subparagraph (B), by striking ''the target normal cost (determined without regard to this paragraph) of the plan for the plan year'' and inserting ''the amount determined under subsection (b)(1)(A)(i) with respect to the plan for the plan year'', and

(ii) by striking ''subparagraph (A)(ii)'' in the last sentence of paragraph (4)(B) and inserting ''subparagraph (A)''.

(G) Section 303(j)(3) of ERISA—

(i) is amended by adding at the end of subparagraph (A) the following new sentence: ''In the case of plan years beginning in 2008, the funding shortfall for the preceding plan year may be determined using such methods of estimation as the Secretary of the Treasury may provide.'',

(ii) by adding at the end of subparagraph (E) the following new clause:

''(iii) PLAN WITH ALTERNATE VALUATION DATE.—The Secretary of the Treasury shall prescribe regulations for the application of this paragraph in the case of a plan which has a valuation date other than the first day of the plan year.'', and

(iii) by striking ''AND SHORT YEARS'' in the heading of subparagraph (E) and inserting '', SHORT YEARS, AND YEARS WITH ALTERNATE VALUATION DATE''.

(H) Section 303(k)(6)(B) of ERISA is amended by striking '', except'' and all that follows and inserting a period.

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 430(b) of the 1986 Code is amended to read as follows:

''(b) TARGET NORMAL COST.—For purposes of this section:

''(1) IN GENERAL.—Except as provided in subsection (i)(2) with respect to plans in at-risk status, the term 'target normal cost' means, for any plan year, the excess of—

''(A) the sum of—

''(i) the present value of all benefits which are expected to accrue or to be earned under the plan during the plan year, plus

''(ii) the amount of plan-related expenses expected to be paid from plan assets during the plan year, over

''(B) the amount of mandatory employee contributions expected to be made during the plan year.

''(2) SPECIAL RULE FOR INCREASE IN COMPENSATION.—For purposes of this subsection, if any benefit attributable to services performed in a preceding plan year is increased by reason of any increase in compensation during the current plan year, the increase in such benefit shall be treated as having accrued during the current plan year.''.

(B) Section 430(c)(5)(B)(iii) of the 1986 Code is amended by inserting ''beginning'' before ''after 2008''.

(C) Section 430(c)(5)(B)(iv)(II) of the 1986 Code is amended by inserting ''for such year'' after ''beginning in 2007)''.

(D) Section 430(f) of the 1986 Code is amended—

(i) by striking ''as of the first day of the plan year'' the second place it appears in the first sentence of paragraph (3)(A),

(ii) by striking ''paragraph (2)'' in paragraph (4)(A) and inserting ''paragraph (3)'',

(iii) by striking ''paragraph (1), (2), or (4) of section 206(g)'' in paragraph (6)(B)(iii) and inserting ''subsection (b), (c), or (e) of section 436'',

(iv) by striking ''the sum of'' in paragraph (6)(C), and

(v) by striking ''of the Treasury'' in paragraph (8).

(E) Section 430(h)(2) of the 1986 Code is amended—

(i) by inserting ''and target normal cost'' after ''funding target'' in subparagraph (B),

(ii) by striking ''liabilities'' and inserting ''benefits'' in subparagraph (B),

(iii) by striking ''section 417(e)(3)(D)(i)) for such month'' in subparagraph (F) and inserting ''section 417(e)(3)(D)(i) for such month)'', and

(iv) by striking ''subparagraph (B)'' in subparagraph (F) and inserting ''subparagraph (C)''.

(F) Section 430(i) of the 1986 Code is amended—

(i) in paragraph (2)—

(I) by striking subparagraph (A) and inserting the following new subparagraph:

''(A) the excess of—

''(i) the sum of—

''(I) the present value of all benefits which are expected to accrue or to be earned under the plan during the plan year, determined using the additional actuarial assumptions described in paragraph (1)(B), plus

''(II) the amount of plan-related expenses expected to be paid from plan assets during the plan year, over

''(ii) the amount of mandatory employee contributions expected to be made during the plan year, plus'', and

(II) in subparagraph (B), by striking ''the target normal cost (determined without regard to this paragraph) of the plan for the plan year'' and inserting ''the amount determined under subsection (b)(1)(A)(i) with respect to the plan for the plan year'', and

(ii) by striking ''subparagraph (A)(ii)'' in the last sentence of paragraph (4)(B) and inserting ''subparagraph (A)''.

(G) Section 430(j)(3) of the 1986 Code is amended—

(i) by adding at the end of subparagraph (A) the following new sentence: ''In the case of plan years beginning in 2008, the funding shortfall for the preceding plan year may be determined using such methods of estimation as the Secretary may provide.'',

(ii) by striking ''section 302(c)'' in subparagraph (D)(ii)(II) and inserting ''section 412(c)'',

(iii) by adding at the end of subparagraph (E) the following new clause:

''(iii) PLAN WITH ALTERNATE VALUATION DATE.—The Secretary shall prescribe regulations for the application of this paragraph in the case of a plan which has a valuation date other than the first day of the plan year.'', and

(iv) by striking ''AND SHORT YEARS'' in the heading of subparagraph (E) and inserting '', SHORT YEARS, AND YEARS WITH ALTERNATE VALUATION DATE''.

(H) Section 430(k) of the 1986 Code is amended—

(i) by inserting ''(as provided under paragraph (2))'' after ''applies'' in paragraph (1), and

(ii) by striking '', except'' and all that follows in paragraph (6)(B) and inserting a period.

(c) AMENDMENTS RELATED TO SECTIONS 103 AND 113.—

(1) AMENDMENTS TO ERISA.—

(A) Section 101(j) of ERISA is amended—

(i) in paragraph (2), by striking ''section 206(g)(4)(B)'' and inserting ''section 206(g)(4)(A)''; and

(ii) by adding at the end the following: ''The Secretary of the Treasury, in consultation with the Secretary, shall have the authority to prescribe rules applicable to the notices required under this subsection.''.

(B) Section 206(g)(1)(B)(ii) of ERISA is amended by striking ''a funding'' and inserting ''an adjusted funding''.

(C) The heading for section 206(g)(1)(C) of ERISA is amended by inserting ''BENEFIT'' after ''EVENT''.

(D) Section 206(g)(3)(E) of ERISA is amended by adding at the end the following new flush sentence:

''Such term shall not include the payment of a benefit which under section 203(e) may be immediately distributed without the consent of the participant.''.

(E) Section 206(g)(5)(A)(iv) of ERISA is amended by inserting ''adjusted'' before ''funding''.

(F) Section 206(g)(9)(C) of ERISA is amended—

(i) by striking ''without regard to this subparagraph and'' in clause (i), and

(ii) in clause (iii)—

(I) by striking ''without regard to this subparagraph'' and inserting ''without regard to the reduction in the value of assets under section 303(f)(4)'', and

(II) by inserting ''beginning'' before ''after'' each place it appears.

(G) Section 206(g) of ERISA is amended by redesignating paragraph (10) as paragraph (11) and by inserting after paragraph (9) the following new paragraph:

''(10) SECRETARIAL AUTHORITY FOR PLANS WITH ALTERNATE VALUATION DATE.—In the case of a plan which has designated a valuation date other than the first day of the plan year, the Secretary of the Treasury may prescribe rules for the application of this subsection which are necessary to reflect the alternate valuation date.''.

(H) Section 502(c)(4) of ERISA is amended by striking ''by any person'' and all that follows through the period and inserting ''by any person of subsection (j), (k), or (l) of section 101 or section 514(e)(3).''.

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 436(b)(2) of the 1986 Code is amended—

(i) by striking ''section 303'' and inserting ''section 430'' in the matter preceding subparagraph (A), and

(ii) by striking ''a funding'' and inserting ''an adjusted funding'' in subparagraph (B).

(B) Section 436(b)(3) of the 1986 Code is amended—

(i) by inserting ''BENEFIT'' after ''EVENT'' in the heading, and

(ii) by striking ''any event'' in subparagraph (B) and inserting ''an event''.

(C) Section 436(d)(5) of the 1986 Code is amended by adding at the end the following new flush sentence:

''Such term shall not include the payment of a benefit which under section 411(a)(11) may be immediately distributed without the consent of the participant.''.

(D) Section 436(f) of the 1986 Code is amended—

(i) by inserting ''adjusted'' before ''funding'' in paragraph (1)(D), and

(ii) by striking ''prefunding balance under section 430(f) or funding standard carryover balance'' in paragraph (2) and inserting ''prefunding balance or funding standard carryover balance under section 430(f)''.

(E) Section 436(j)(3) of the 1986 Code is amended—

(i) in subparagraph (A)—

(I) by striking ''without regard to this paragraph and'',

(II) by striking ''section 430(f)(4)(A)'' and inserting ''section 430(f)(4)'', and

(III) by striking ''paragraph (1)'' and inserting ''paragraphs (1) and (2)'', and

(ii) in subparagraph (C)—

(I) by striking ''without regard to this paragraph'' and inserting ''without regard to the reduction in the value of assets under section 430(f)(4)'', and

(II) by inserting ''beginning'' before ''after'' each place it appears.

(F) Section 436 of the 1986 Code is amended by redesignating subsection (k) as subsection (m) and by inserting after subsection (j) the following new subsections:

''(k) SECRETARIAL AUTHORITY FOR PLANS WITH ALTERNATE VALUATION DATE.—In the case of a plan which has designated a valuation date other than the first day of the plan year, the Secretary may prescribe rules for the application of this section which are necessary to reflect the alternate valuation date.

''(l) SINGLE-EMPLOYER PLAN.—For purposes of this section, the term 'single-employer plan' means a plan which is not a multiemployer plan.''.

(3) AMENDMENTS TO 2006 ACT.—Sections 103(c)(2)(A)(ii) and 113(b)(2)(A)(ii) of the 2006 Act are each amended—

(A) by striking ''subsection'' and inserting ''section'', and

(B) by striking ''subparagraph'' and inserting ''paragraph''.

(d) AMENDMENTS RELATED TO SECTIONS 107 AND 114.—

(1) AMENDMENTS TO ERISA.—

(A) Section 103(d) of ERISA is amended—

(i) in paragraph (3), by striking ''the normal costs, the accrued liabilities'' and inserting ''the normal costs or target normal costs, the accrued liabilities or funding target'', and

(ii) by striking paragraph (7) and inserting the following new paragraph:

''(7) A certification of the contribution necessary to reduce the minimum required contribution determined under section 303, or the accumulated funding deficiency determined under section 304, to zero.''.

(B) Section 4071 of ERISA is amended by striking ''as section 303(k)(4) or 307(e)'' and inserting ''or section 303(k)(4),''.

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 401(a)(29) of the 1986 Code is amended by striking ''ON PLANS IN AT-RISK STATUS'' in the heading.

(B) Section 401(a)(32)(C) of the 1986 Code is amended—

(i) by striking ''section 430(j)'' and inserting ''section 430(j)(3)'', and

(ii) by striking ''paragraph (5)(A)'' and inserting ''section 430(j)(4)(A)''.

(C) Section 401(a)(33) of the 1986 Code is amended—

(i) by striking ''section 412(c)(2)'' in subparagraph (B)(iii) and inserting ''section 412(d)(2)'', and

(ii) by striking ''section 412(b)(2) (without regard to subparagraph (B) thereof)'' in subparagraph (D) and inserting ''section 412(b)(1), without regard to section 412(b)(2)''.

(D) Section 411 of the 1986 Code is amended—

(i) by striking ''section 412(c)(2)'' in subsection (a)(3)(C) and inserting ''section 412(d)(2)'', and

(ii) by striking ''section 412(e)(2)'' in subsection (d)(6)(A) and inserting ''section 412(d)(2)''.

(E) Section 414(l)(2)(B)(i)(I) of the 1986 Code is amended to read as follows:

''(I) the sum of the funding target and target normal cost determined under section 430, over''.

(F) Section 4971 of the 1986 Code is amended—

(i) by striking ''required minimum'' in subsection (b)(1) and inserting ''minimum required'',

(ii) by inserting ''or unpaid minimum required contribution, whichever is applicable'' after ''accumulated funding deficiency'' each place it appears in subsections (c)(3) and (d)(1), and

(iii) by striking ''section 412(a)(1)(A)'' in subsection (e)(1) and inserting ''section 412(a)(2)''.

(3) AMENDMENT TO 2006 ACT.—Section 114 of the 2006 Act is amended by adding at the end the following new subsection:

''(g) EFFECTIVE DATES.—

''(1) IN GENERAL.—The amendments made by this section shall apply to plan years beginning after 2007.

''(2) EXCISE TAX.—The amendments made by subsection (e) shall apply to taxable years beginning after 2007, but only with respect to plan years described in paragraph (1) which end with or within any such taxable year.''.

(e) AMENDMENT RELATED TO SECTION 116.—Section 409A(b)(3)(A)(ii) of the 1986 Code is amended by inserting ''to an applicable covered employee'' after ''under the plan''.

SEC. 102. AMENDMENTS RELATED TO TITLE II.

(a) AMENDMENT RELATED TO SECTIONS 201 AND 211.—Section 201(b)(2)(A) of the 2006 Act is amended by striking ''has not used'' and inserting ''has not adopted, or ceased using,''.

(b) AMENDMENTS RELATED TO SECTIONS 202 AND 212.—

(1) AMENDMENTS TO ERISA.—

(A) Section 302(b)(3) of ERISA is amended by striking ''the plan adopts'' and inserting ''the plan sponsor adopts''.

(B) Section 305(b)(3)(C) of ERISA is amended by striking ''section 101(b)(4)'' and inserting ''section 101(b)(1)''.

(C) Section 305(b)(3)(D) of ERISA is amended by striking ''The Secretary'' in clause (iii) and inserting ''The Secretary of the Treasury, in consultation with the Secretary''.

(D) Section 305(c)(7) of ERISA is amended—

(i) by striking ''to agree on'' and all that follows in subparagraph (A)(ii) and inserting ''to adopt a contribution schedule with terms consistent with the funding improvement plan and a schedule from the plan sponsor,'', and

(ii) by striking subparagraph (B) and inserting the following new subparagraph:

''(B) DATE OF IMPLEMENTATION.—The date specified in this subparagraph is the date which is 180 days after the date on which the collective bargaining agreement described in subparagraph (A) expires.'', and

(iii) by adding at the end the following new subparagraph:

''(C) FAILURE TO MAKE SCHEDULED CONTRIBUTIONS.—Any failure to make a contribution under a schedule of contribution rates provided under this paragraph shall be treated as a delinquent contribution under section 515 and shall be enforceable as such.''.

(E) Section 305(e) of ERISA is amended—

(i) in paragraph (3)(C)—

(I) by striking all that follows ''to adopt a'' in clause (i)(II) and inserting ''to adopt a contribution schedule with terms consistent with the rehabilitation plan and a schedule from the plan sponsor under paragraph (1)(B)(i),'',

(II) by striking clause (ii) and inserting the following new clause:

''(ii) DATE OF IMPLEMENTATION.—The date specified in this clause is the date which is 180 days after the date on which the collective bargaining agreement described in clause (i) expires.'', and

(III) by adding at the end the following new clause:

''(iii) FAILURE TO MAKE SCHEDULED CONTRIBUTIONS.—Any failure to make a contribution under a schedule of contribution rates provided under this subsection shall be treated as a delinquent contribution under section 515 and shall be enforceable as such.'',

(ii) in paragraph (4)—

(I) by striking ''the date of'' in subparagraph (A)(ii), and

(II) by striking ''and taking'' in subparagraph (B) and inserting ''but taking'',

(iii) in paragraph (6)—

(I) by striking ''paragraph (1)(B)(i)'' and inserting ''the last sentence of paragraph (1)'', and

(II) by striking ''established'' and inserting ''establish'',

(iv) in paragraph (8)(C)(iii)—

(I) by striking ''the Secretary'' in subclause (I) and inserting ''the Secretary of the Treasury, in consultation with the Secretary'', and

(II) by striking ''Secretary'' in the last sentence and inserting ''Secretary of the Treasury'', and

(v) by striking ''an employer's withdrawal liability'' in paragraph (9)(B) and inserting ''the allocation of unfunded vested benefits to an employer''.

(F) Section 305(f)(2)(A)(i) of ERISA is amended by adding at the end the following: ''to a participant or beneficiary whose annuity starting date (as defined in section 205(h)(2)) occurs after the date such notice is sent,''.

(G) Section 305(g) of ERISA is amended by inserting ''under subsection (c)'' after ''funding improvement plan'' the first place it appears.

(H) Section 502(c)(2) of ERISA is amended by striking ''101(b)(4)'' and inserting ''101(b)(1)''.

(I) Section 502(c)(8)(A) of ERISA is amended by inserting ''plan'' after ''multiemployer''.

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 432(b)(3)(C) of the 1986 Code is amended by striking ''section 101(b)(4)'' and inserting ''section 101(b)(1)''.

(B) Section 432(b)(3)(D)(iii) of the 1986 Code is amended by striking ''The Secretary of Labor'' and inserting ''The Secretary, in consultation with the Secretary of Labor''.

(C) Section 432(c) of the 1986 Code is amended—

(i) in paragraph (3), by striking ''section 304(d)'' in subparagraph (A)(ii) and inserting ''section 431(d)'', and

(ii) in paragraph (7)—

(I) by striking ''to agree on'' and all that follows in subparagraph (A)(ii) and inserting ''to adopt a contribution schedule with terms consistent with the funding improvement plan and a schedule from the plan sponsor,'', and

(II) by striking subparagraph (B) and inserting the following new subparagraph:

''(B) DATE OF IMPLEMENTATION.—The date specified in this subparagraph is the date which is 180 days after the date on which the collective bargaining agreement described in subparagraph (A) expires.''.

(D) Section 432(e) of the 1986 Code is amended—

(i) in paragraph (3)(C)—

(I) by striking all that follows ''to adopt a'' in clause (i)(II) and inserting ''to adopt a contribution schedule with terms consistent with the rehabilitation plan and a schedule from the plan sponsor under paragraph (1)(B)(i),'', and

(II) by striking clause (ii) and inserting the following new clause:

''(ii) DATE OF IMPLEMENTATION.—The date specified in this clause is the date which is 180 days after the date on which the collective bargaining agreement described in clause (i) expires.'',

(ii) in paragraph (4)—

(I) by striking ''the date of'' in subparagraph (A)(ii), and

(II) by striking ''and taking'' in subparagraph (B) and inserting ''but taking'',

(iii) in paragraph (6)—

(I) by striking ''paragraph (1)(B)(i)'' and inserting ''the last sentence of paragraph (1)'', and

(II) by striking ''established'' and inserting ''establish'',

(iv) in paragraph (8)—

(I) by striking ''section 204(g)'' in subparagraph (A)(i) and inserting ''section 411(d)(6)'',

(II) by inserting ''of the Employee Retirement Income Security Act of 1974'' after ''4212(a)'' in subparagraph (C)(i)(II),

(III) by striking ''the Secretary of Labor'' in subparagraph (C)(iii)(I) and inserting ''the Secretary, in consultation with the Secretary of Labor'', and

(IV) by striking ''the Secretary of Labor'' in the last sentence of subparagraph (C)(iii) and inserting ''the Secretary'', and

(v) by striking ''an employer's withdrawal liability'' in paragraph (9)(B) and inserting ''the allocation of unfunded vested benefits to an employer''.

(E) Section 432(f)(2)(A)(i) of the 1986 Code is amended—

(i) by striking ''section 411(b)(1)(A)'' and inserting ''section 411(a)(9)''; and

(ii) by inserting at the end the following: ''to a participant or beneficiary whose annuity starting date (as defined in section 417(f)(2)) occurs after the date such notice is sent,''.

(F) Section 432(g) of the 1986 Code is amended by inserting ''under subsection (c)'' after ''funding improvement plan'' the first place it appears.

(G) Section 432(i) of the 1986 Code is amended—

(i) by striking ''section 412(a)'' in paragraph (3) and inserting ''section 431(a)'', and

(ii) by striking paragraph (9) and inserting the following new paragraph:

''(9) PLAN SPONSOR.—For purposes of this section, section 431, and section 4971(g):

''(A) IN GENERAL.—The term 'plan sponsor' means, with respect to any multiemployer plan, the association, committee, joint board of trustees, or other similar group of representatives of the parties who establish or maintain the plan.

''(B) SPECIAL RULE FOR SECTION 404(c) PLANS.—In the case of a plan described in section 404(c) (or a continuation of such plan), such term means the bargaining parties described in paragraph (1).''.

(H) Section 412(b)(3) of the 1986 Code is amended by striking ''the plan adopts'' and inserting ''the plan sponsor adopts''.

(I) Section 4971(g)(4) of the 1986 Code is amended—

(i) in subparagraph (B)(ii), by striking ''first day of'' and inserting ''day following the close of'', and

(ii) by striking clause (ii) of subparagraph (C) and inserting the following new clause:

''(ii) PLAN SPONSOR.—For purposes of clause (i), the term 'plan sponsor' has the meaning given such term by section 432(i)(9).''.

(3) AMENDMENTS TO 2006 ACT.—

(A) Section 212(b)(2) of the 2006 Act is amended by striking ''Section 4971(c)(2) of such Code'' and inserting ''Section 4971(e)(2) of such Code''.

(B) Section 212(e)(1) of the 2006 Act is amended by inserting '', except that the amendments made by subsection (b) shall apply to taxable years beginning after 2007, but only with respect to plan years beginning after 2007 which end with or within any such taxable year'' before the period at the end.

(C) Section 212(e)(2) of the 2006 Act is amended by striking ''section 305(b)(3) of the Employee Retirement Income Security Act of 1974'' and inserting ''section 432(b)(3) of the Internal Revenue Code of 1986''.

SEC. 103. AMENDMENTS RELATED TO TITLE III.

(a) AMENDMENT RELATED TO SECTION 301.—Clause (ii) of section 101(c)(2)(A) of the Pension Funding Equity Act of 2004, as amended by section 301(c) of the 2006 Act, is amended by striking ''2008'' and inserting ''2009''.

(b) AMENDMENTS RELATED TO SECTION 302.—

(1) AMENDMENT TO ERISA.—Section 205(g)(3)(B)(iii)(II) of ERISA is amended by striking ''section 205(g)(3)(B)(iii)(II)'' and inserting ''section 205(g)(3)(A)(ii)(II)''.

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 417(e)(3)(D)(i) of the 1986 Code is amended by striking ''clause (ii)'' and inserting ''subparagraph (C)''.

(B)(i) Section 415(b)(2)(E)(v) of the 1986 Code is amended to read as follows:

''(v) For purposes of adjusting any benefit or limitation under subparagraph (B), (C), or (D), the mortality table used shall be the applicable mortality table (within the meaning of section 417(e)(3)(B)).''.

(ii)(I) Except as provided in subclause (II), the amendment made by clause (i) shall apply to years beginning after December 31, 2008.

(II) A plan sponsor may elect to have the amendment made by clause (i) apply to any year beginning after December 31, 2007, and before January 1, 2009, or to any portion of any such year.

SEC. 104. AMENDMENTS RELATED TO TITLE IV.

(a) AMENDMENT RELATED TO SECTION 401.—Section 4006(a)(3)(A)(i) of ERISA is amended by striking ''1990'' and inserting ''2005''.

(b) AMENDMENT RELATED TO SECTION 402.—Section 402(c)(1)(A) of the 2006 Act is amended by striking ''commercial airline'' and inserting ''commercial''.

(c) AMENDMENT RELATED TO SECTION 408.—Section 4044(e) of ERISA, as added by section 408(b)(2) of the 2006 Act, is redesignated as subsection (f).

(d) AMENDMENTS RELATED TO SECTION 409.—Section 4041(b)(5)(A) of ERISA is amended by striking ''subparagraph (B)'' and inserting ''subparagraphs (B) and (D)''.

(e) AMENDMENTS RELATED TO SECTION 410.—Section 4050(d)(4)(A) of ERISA is amended—

(1) by striking ''and'' at the end of clause (i), and

(2) by striking clause (ii) and inserting the following new clauses:

''(ii) which is not a plan described in paragraph (2), (3), (4), (6), (7), (8), (9), (10), or (11) of section 4021(b), and

''(iii) which, was a plan described in section 401(a) of the Internal Revenue Code of 1986 which includes a trust exempt from tax under section 501(a) of such Code, and''.

SEC. 105. AMENDMENTS RELATED TO TITLE V.

(a) AMENDMENT RELATED TO SECTION 501.—Section 101(f)(2)(B)(ii) of ERISA is amended—

(1) by striking ''for which the latest annual report filed under section 104(a) was filed'' in subclause (I)(aa) and inserting ''to which the notice relates'', and

(2) by striking subclause (II) and inserting the following new subclause:

''(II) in the case of a multiemployer plan, a statement, for the plan year to which the notice relates and the preceding 2 plan years, of the value of the plan assets (determined both in the same manner as under section 304 and under the rules of subclause (I)(bb)) and the value of the plan liabilities (determined in the same manner as under section 304 except that the method specified in section 305(i)(8) shall be used),''.

(b) AMENDMENTS RELATED TO SECTION 502.—

(1) Section 101(k)(2) of ERISA is amended by filing at the end the following new flush sentence:

''Subparagraph (C)(i) shall not apply to individually identifiable information with respect to any plan investment manager or adviser, or with respect to any other person (other than an employee of the plan) preparing a financial report required to be included under paragraph (1)(B).''.

(2) Section 4221 of ERISA is amended by striking subsection (e) and by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(c) AMENDMENTS RELATED TO SECTION 503.—

(1) AMENDMENTS TO ERISA.—

(A) Section 104(b)(3) of ERISA is amended by—

(i) striking ''section 103(f)'' and inserting ''section 101(f)'', and

(ii) striking ''the administrators'' and inserting ''the administrator''.

(B) Section 104(d)(1)(E)(ii) of ERISA is amended by inserting ''funding'' after ''plan's''.

(2) AMENDMENTS TO 2006 ACT.—Section 503(e) of the 2006 Act is amended by striking ''section 101(f)'' and inserting ''section 104(d)''.

(d) AMENDMENT RELATED TO SECTION 505.—Section 4010(d)(2)(B) of ERISA is amended by striking ''section 302(d)(2)'' and inserting ''section 303(d)(2)''.

(e) AMENDMENTS RELATED TO SECTION 506.—

(1) Section 4041(c)(2)(D)(i) of ERISA is amended by striking ''subsection (a)(2)'' the second place it appears and inserting ''subparagraph (A) or the regulations under subsection (a)(2)''.

(2) Section 4042(c)(3)(C)(i) of ERISA is amended—

(A) by striking ''and plan sponsor'' and inserting '', the plan sponsor, or the corporation'', and

(B) by striking ''subparagraph (A)(i)'' and inserting ''subparagraph (A)''.

(f) AMENDMENTS RELATED TO SECTION 508.—Section 209(a) of ERISA is amended—

(1) in paragraph (1)—

(A) by striking ''regulations prescribed by the Secretary'' and inserting ''such regulations as the Secretary may prescribe'', and

(B) by striking the last sentence and inserting ''The report required under this paragraph shall be in the same form, and contain the same information, as periodic benefit statements under section 105(a).'', and

(2) by striking paragraph (2) and inserting the following:

''(2) If more than one employer adopts a plan, each such employer shall furnish to the plan administrator the information necessary for the administrator to maintain the records, and make the reports, required by paragraph (1). Such administrator shall maintain the records, and make the reports, required by paragraph (1).''.

(g) AMENDMENT RELATED TO SECTION 509.—Section 101(i)(8)(B) of ERISA is amended to read as follows:

''(B) ONE-PARTICIPANT RETIREMENT PLAN.—For purposes of subparagraph (A), the term 'one-participant retirement plan' means a retirement plan that on the first day of the plan year—

''(i) covered only one individual (or the individual and the individual's spouse) and the individual (or the individual and the individual's spouse) owned 100 percent of the plan sponsor (whether or not incorporated), or

''(ii) covered only one or more partners (or partners and their spouses) in the plan sponsor.''.

SEC. 106. AMENDMENTS RELATED TO TITLE VI.

(a) AMENDMENTS RELATED TO SECTION 601.—

(1) AMENDMENTS TO ERISA.—

(A) Section 408(g)(3)(D)(ii) of ERISA is amended by striking ''subsection (b)(14)(B)(ii)'' and inserting ''subsection (b)(14)(A)(ii)''.

(B) Section 408(g)(6)(A)(i) of ERISA is amended by striking ''financial adviser'' and inserting ''fiduciary adviser''.

(C) Section 408(g)(11)(A) of ERISA is amended—

(i) by striking ''the participant'' each place it appears and inserting ''a participant'', and

(ii) by striking ''section 408(b)(4)'' in clause (ii) and inserting ''subsection (b)(4)''.

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 4975(d)(17) of the 1986 Code, in the matter preceding subparagraph (A), is amended by striking ''and that permits'' and inserting ''that permits''.

(B) Section 4975(f)(8) of the 1986 Code is amended—

(i) in subparagraph (A), by striking ''subsection (b)(14)'' and inserting ''subsection (d)(17)'',

(ii) in subparagraph (C)(iv)(II), by striking ''subsection (b)(14)(B)(ii)'' and inserting ''(d)(17)(A)(ii)'',

(iii) in subparagraph (F)(i)(I), by striking ''financial adviser'' and inserting ''fiduciary adviser,'',

(iv) in subparagraph (I), by striking ''section 406'' and inserting ''subsection (c)'', and

(v) in subparagraph (J)(i)—

(I) by striking ''the participant'' each place it appears and inserting ''a participant'',

(II) in the matter preceding subclause (I), by inserting ''referred to in subsection (e)(3)(B)'' after ''investment advice'', and

(III) in subclause (II), by striking ''section 408(b)(4)'' and inserting ''subsection (d)(4)''.

(3) AMENDMENT TO 2006 ACT.—Section 601(b)(4) of the 2006 Act is amended by striking ''section 4975(c)(3)(B)'' and inserting ''section 4975(e)(3)(B)''.

(b) AMENDMENTS RELATED TO SECTION 611.—

(1) AMENDMENT TO ERISA.—Section 408(b)(18)(C) of ERISA is amended by striking ''or less''.

(2) AMENDMENTS TO 1986 CODE.—Section 4975(d) of the 1986 Code is amended—

(A) in the matter preceding subparagraph (A) of paragraph (18)—

(i) by striking ''party in interest'' and inserting ''disqualified person'', and

(ii) by striking ''subsection (e)(3)(B)'' and inserting ''subsection (e)(3)'',

(B) in paragraphs (19), (20), and (21), by striking ''party in interest'' each place it appears and inserting ''disqualified person'', and

(C) by striking ''or less'' in paragraph (21)(C).

(c) AMENDMENTS RELATED TO SECTION 612.—Section 4975(f)(11)(B)(i) of the 1986 Code is amended by—

(1) inserting ''of the Employee Retirement Income Security Act of 1974'' after ''section 407(d)(1)'', and

(2) inserting ''of such Act'' after ''section 407(d)(2)''.

(d) AMENDMENTS RELATED TO SECTION 624.—Section 404(c)(5) of ERISA is amended by striking ''participant'' each place it appears and inserting ''participant or beneficiary''.

SEC. 107. AMENDMENTS RELATED TO TITLE VII.

(a) AMENDMENTS TO ERISA.—

(1) Section 203(f)(1)(B) of ERISA is amended to read as follows:

''(B) the requirements of section 204(c) or 205(g), or the requirements of subsection (e), with respect to accrued benefits derived from employer contributions,''.

(2) Section 204(b)(5) of ERISA is amended—

(A) by striking ''clause'' in subparagraph (A)(iii) and inserting ''subparagraph'', and

(B) by inserting ''otherwise'' before ''allowable'' in subparagraph (C).

(3) Subclause (II) of section 204(b)(5)(B)(i) of ERISA is amended to read as follows:

''(II) PRESERVATION OF CAPITAL.—An applicable defined benefit plan shall be treated as failing to meet the requirements of paragraph (1)(H) unless the plan provides that an interest credit (or equivalent amount) of less than zero shall in no event result in the account balance or similar amount being less than the aggregate amount of contributions credited to the account.''.

(b) AMENDMENTS TO 1986 CODE.—

(1) Section 411(b)(5) of the 1986 Code is amended—

(A) by striking ''clause'' in subparagraph (A)(iii) and inserting ''subparagraph'', and

(B) by inserting ''otherwise'' before ''allowable'' in subparagraph (C).

(2) Section 411(a)(13)(A) of the 1986 Code is amended—

(A) by striking ''paragraph (2)'' in clause (i) and inserting ''subparagraph (B)'',

(B) by striking clause (ii) and inserting the following new clause:

''(ii) the requirements of subsection (a)(11) or (c), or the requirements of section 417(e), with respect to accrued benefits derived from employer contributions,'', and

(C) by striking ''paragraph (3)'' in the matter following clause (ii) and inserting ''subparagraph (C)''.

(3) Subclause (II) of section 411(b)(5)(B)(i) of the 1986 Code is amended to read as follows:

''(II) PRESERVATION OF CAPITAL.—An applicable defined benefit plan shall be treated as failing to meet the requirements of paragraph (1)(H) unless the plan provides that an interest credit (or equivalent amount) of less than zero shall in no event result in the account balance or similar amount being less than the aggregate amount of contributions credited to the account.''.

(c) AMENDMENTS TO 2006 ACT.—

(1) Section 701(d)(2) of the 2006 Act is amended by striking ''204(g)'' and inserting ''205(g)''.

(2) Section 701(e) of the 2006 Act is amended—

(A) by inserting ''on or'' after ''period'' in paragraph (3),

(B) in paragraph (4)—

(i) by inserting ''the earlier of'' after ''before'' in the matter preceding subparagraph (A), and

(ii) by striking ''earlier'' and inserting ''later'' in subparagraph (A),

(C) by inserting ''on or'' before ''after'' each place it appears in paragraph (5), and

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

''(6) SPECIAL RULE FOR VESTING REQUIREMENTS.—The requirements of section 203(f)(2) of the Employee Retirement Income Security Act of 1974 and section 411(a)(13)(B) of the Internal Revenue Code of 1986 (as added by this Act)—

''(A) shall not apply to a participant who does not have an hour of service after the effective date of such requirements (as otherwise determined under this subsection); and

''(B) in the case of a plan other than a plan described in paragraph (3) or (4), shall apply to plan years ending on or after June 29, 2005.''.

SEC. 108. AMENDMENTS RELATED TO TITLE VIII.

(a) AMENDMENTS RELATED TO SECTION 801.—

(1) Section 404(o) of the 1986 Code is amended—

(A) by striking ''430(g)(2)'' in paragraph (2)(A)(ii) and inserting ''430(g)(3)'', and

(B) by striking ''412(f)(4)'' in paragraph (4)(B) and inserting ''412(d)(3)''.

(2) Section 404(a)(7)(A) of the 1986 Code is amended—

(A) by striking the next to last sentence, and

(B) by striking ''the plan's funding shortfall determined under section 430'' in the last sentence and inserting ''the excess (if any) of the plan's funding target (as defined in section 430(d)(1)) over the value of the plan's assets (as determined under section 430(g)(3))''.

(b) AMENDMENT RELATED TO SECTION 802.—Section 404(a)(1)(D)(i) of the 1986 Code is amended by striking ''431(c)(6)(C)'' and inserting ''431(c)(6)(D)''.

(c) AMENDMENT RELATED TO SECTION 803.—Clause (iii) of section 404(a)(7)(C) of the 1986 Code is amended to read as follows:

''(iii) LIMITATION.—In the case of employer contributions to 1 or more defined contribution plans—

''(I) if such contributions do not exceed 6 percent of the compensation otherwise paid or accrued during the taxable year to the beneficiaries under such plans, this paragraph shall not apply to such contributions or to employer contributions to the defined benefit plans to which this paragraph would otherwise apply by reason of contributions to the defined contribution plans, and

''(II) if such contributions exceed 6 percent of such compensation, this paragraph shall be applied by only taking into account such contributions to the extent of such excess.

For purposes of this clause, amounts carried over from preceding taxable years under subparagraph (B) shall be treated as employer contributions to 1 or more defined contributions plans to the extent attributable to employer contributions to such plans in such preceding taxable years.''.

(d) AMENDMENTS RELATED TO SECTION 824.—

(1) Section 408A(c)(3)(B) of the 1986 Code, as in effect after the amendments made by section 824(b)(1) of the 2006 Act, is amended—

(A) by striking the second ''an'' before ''eligible'',

(B) by striking ''other than a Roth IRA'', and

(C) by adding at the end the following new flush sentence:

''This subparagraph shall not apply to a qualified rollover contribution from a Roth IRA or to a qualified rollover contribution from a designated Roth account which is a rollover contribution described in section 402A(c)(3)(A).''

(2) Section 408A(d)(3)(B), as in effect after the amendments made by section 824(b)(2)(B) of the 2006 Act, is amended by striking ''(other than a Roth IRA)'' and by inserting at the end the following new sentence: ''This paragraph shall not apply to a distribution which is a qualified rollover contribution from a Roth IRA or a qualified rollover contribution from a designated Roth account which is a rollover contribution described in section 402A(c)(3)(A)''.

(e) AMENDMENT TO SECTION 827.—The first sentence of section 72(t)(2)(G)(iv) of the 1986 Code is amended by inserting ''on or'' before ''before''.

(f) AMENDMENTS RELATED TO SECTION 829.—

(1) Section 402(c)(11) of the 1986 Code is amended—

(A) by inserting ''described in paragraph (8)(B)(iii)'' after ''eligible retirement plan'' in subparagraph (A), and

(B) by striking ''trust'' before ''designated beneficiary'' in subparagraph (B).

(2)(A) Section 402(f)(2)(A) of the 1986 Code is amended by adding at the end the following new sentence: ''Such term shall include any distribution to a designated beneficiary which would be treated as an eligible rollover distribution by reason of subsection (c)(11), or section 403(a)(4)(B), 403(b)(8)(B), or 457(e)(16)(B), if the requirements of subsection (c)(11) were satisfied.''

(B) Clause (i) of section 402(c)(11)(A) of the 1986 Code is amended by striking ''for purposes of this subsection''.

(C) The amendments made by this paragraph shall apply with respect to plan years beginning after December 31, 2008.

(g) AMENDMENT RELATED TO SECTION 832.—Section 415(f) of the 1986 Code is amended by striking paragraph (2) and by redesignating paragraph (3) as paragraph (2).

(h) AMENDMENTS RELATED TO SECTION 833.—

(1) Section 408A(c)(3)(C) of the 1986 Code, as added by section 833(c) of the 2006 Act, is redesignated as subparagraph (E).

(2) In the case of taxable years beginning after December 31, 2009, section 408A(c)(3)(E) of the 1986 Code (as redesignated by paragraph (1))—

(A) is redesignated as subparagraph (D), and

(B) is amended by striking ''subparagraph (C)(ii)'' and inserting ''subparagraph (B)(ii)''.

(i) AMENDMENTS RELATED TO SECTION 841.—

(1) Section 420(c)(1)(A) of the 1986 Code is amended by adding at the end the following new sentence: ''In the case of a qualified future transfer or collectively bargained transfer to which subsection (f) applies, any assets so transferred may also be used to pay liabilities described in subsection (f)(2)(C).''

(2) Section 420(f)(2) of the 1986 Code is amended by striking ''such'' before ''the applicable'' in subparagraph (D)(i)(I).

(3) Section 4980(c)(2)(B) of the 1986 Code is amended by striking ''or'' at the end of clause (i), by striking the period at the end of clause (ii) and inserting '', or'', and by adding at the end the following new clause:

''(iii) any transfer described in section 420(f)(2)(B)(ii)(II).''.

(j) AMENDMENTS RELATED TO SECTION 845.—

(1) Subsection (l) of section 402 of the 1986 Code is amended—

(A) in paragraph (1)—

(i) by inserting ''maintained by the employer described in paragraph (4)(B)'' after ''an eligible retirement plan'', and

(ii) by striking ''of the employee, his spouse, or dependents (as defined in section 152)'' ,

(B) in paragraph (4)(D), by—

(i) inserting ''(as defined in section 152)'' after ''dependents'', and

(ii) striking ''health insurance plan'' and inserting ''health plan'', and

(C) in paragraph (5)(A), by striking ''health insurance plan'' and inserting ''health plan''.

(2) Subparagraph (B) of section 402(l)(3) of the 1986 Code is amended by striking ''all amounts distributed from all eligible retirement plans were treated as 1 contract for purposes of determining the inclusion of such distribution under section 72'' and inserting ''all amounts to the credit of the eligible public safety officer in all eligible retirement plans maintained by the employer described in paragraph (4)(B) were distributed during such taxable year and all such plans were treated as 1 contract for purposes of determining under section 72 the aggregate amount which would have been so includible''.

(k) AMENDMENTS RELATED TO SECTION 854.—

(1) Section 3121(b)(5)(E) of the 1986 Code is amended by striking ''or special trial judge''.

(2) Section 210(a)(5)(E) of the Social Security Act is amended by striking ''or special trial judge''.

(l) AMENDMENTS RELATED TO SECTION 856.—Section 856 of the 2006 Act, and the amendments made by such section, are hereby repealed, and the Internal Revenue Code of 1986 shall be applied and administered as if such sections and amendments had not been enacted.

(m) AMENDMENT RELATED TO SECTION 864.—Section 864(a) of the 2006 Act is amended by striking ''Reconciliation''.

SEC. 109. AMENDMENTS RELATED TO TITLE IX.

(a) AMENDMENT RELATED TO SECTION 901.—Section 401(a)(35)(E)(iv) of the 1986 Code is amended to read as follows:

''(iv) ONE-PARTICIPANT RETIREMENT PLAN.—For purposes of clause (iii), the term 'one-participant retirement plan' means a retirement plan that on the first day of the plan year—

''(I) covered only one individual (or the individual and the individual's spouse) and the individual (or the individual and the individual's spouse) owned 100 percent of the plan sponsor (whether or not incorporated), or

''(II) covered only one or more partners (or partners and their spouses) in the plan sponsor.''.

(b) AMENDMENTS RELATED TO SECTION 902.—

(1) Section 401(k)(13)(D)(i)(I) of the 1986 Code is amended by striking ''such compensation as exceeds 1 percent but does not'' and inserting ''such contributions as exceed 1 percent but do not''.

(2) Sections 401(k)(8)(E) and 411(a)(3)(G) of the 1986 Code are each amended—

(A) by striking ''an erroneous automatic contribution'' and inserting ''a permissible withdrawal'', and

(B) by striking ''ERRONEOUS AUTOMATIC CONTRIBUTION'' in the heading and inserting ''PERMISSIBLE WITHDRAWAL''.

(3) Section 402(g)(2)(A)(ii) of the 1986 Code is amended by inserting ''through the end of such taxable year'' after ''such amount''.

(4) Section 414(w)(3) of the 1986 Code is amended—

(A) in subparagraph (B), by inserting ''and'' after the comma at the end,

(B) by striking subparagraph (C), and

(C) by redesignating subparagraph (D) as subparagraph (C).

(5) Section 414(w)(5) of the 1986 Code is amended by striking ''and'' at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting a comma, and by adding at the end the following:

''(D) a simplified employee pension the terms of which provide for a salary reduction arrangement described in section 408(k)(6), and

''(E) a simple retirement account (as defined in section 408(p)).''.

(6) Section 414(w)(6) of the 1986 Code is amended by inserting ''or for purposes of applying the limitation under section 402(g)(1)'' before the period at the end.

(c) AMENDMENTS RELATED TO SECTION 903.—

(1) AMENDMENT OF 1986 CODE.—Section 414(x)(1) of the 1986 Code is amended by adding at the end of paragraph (1) the following new sentence: ''In the case of a termination of the defined benefit plan and the applicable defined contribution plan forming part of an eligible combined plan, the plan administrator shall terminate each such plan separately.''

(2) AMENDMENTS OF ERISA.—Section 210(e) of ERISA is amended—

(A) by adding at the end of paragraph (1) the following new sentence: ''In the case of a termination of the defined benefit plan and the applicable defined contribution plan forming part of an eligible combined plan, the plan administrator shall terminate each such plan separately.'', and

(B) by striking paragraph (3) and by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively.

(d) AMENDMENTS RELATED TO SECTION 906.—

(1) Section 906(b)(1)(B)(ii) of the 2006 Act is amended by striking ''paragraph (1)'' and inserting ''paragraph (10)''.

(2) Section 4021(b) of ERISA is amended by inserting ''or'' at the end of paragraph (12), by striking ''; or'' at the end of paragraph (13) and inserting a period, and by striking paragraph (14).

SEC. 110. AMENDMENTS RELATED TO TITLE X.

(a) AMENDMENTS TO RAILROAD RETIREMENT ACT.—

(1) Section 14(b) of the Railroad Retirement Act of 1974 (45 U.S.C. 231m(b)) is amended by adding at the end the following:

''(3)(A) Payments made pursuant to paragraph (2) of this subsection shall not require that the employee be entitled to an annuity under section 2(a)(1) of this Act: Provided, however, That where an employee is not entitled to such an annuity, payments made pursuant to paragraph (2) may not begin before the month in which the following three conditions are satisfied:

''(i) The employee has completed ten years of service in the railroad industry or, five years of service all of which accrues after December 31, 1995.

''(ii) The spouse or former spouse attains age 62.

''(iii) The employee attains age 62 (or if deceased, would have attained age 62).

''(B) Payments made pursuant to paragraph (2) of this subsection shall terminate upon the death of the spouse or former spouse, unless the court document provides for termination at an earlier date. Notwithstanding the language in a court order, that portion of payments made pursuant to paragraph (2) which represents payments computed pursuant to section 3(f)(2) of this Act shall not be paid after the death of the employee.

''(C) If the employee is not entitled to an annuity under section 2(a)(1) of this Act, payments made pursuant to paragraph (2) of this subsection shall be computed as though the employee were entitled to an annuity.''.

(2) Subsection (d) of section 5 of the Railroad Retirement Act (45 U.S.C. 231d) is repealed.

(b) EFFECTIVE DATES.—

(1) SUBSECTION (a)(1).—The amendment made by subsection (a)(1) shall apply with respect to payments due for months after August 2007. If, prior to the effective date of such amendment, payment pursuant to paragraph (2) of section 14(b) of the Railroad Retirement Act of 1974 (45 U.S.C. 231m(b)) was terminated because of the employee's death, payment to the former spouse may be reinstated for months after August 2007.

(2) SUBSECTION (a)(2).—The amendment made by subsection (a)(2) shall take effect upon the date of the enactment of this Act.

SEC. 111. AMENDMENTS RELATED TO TITLE XI.

(a) AMENDMENT RELATED TO SECTION 1104.—Section 1104(d)(1) of the 2006 Act is amended by striking ''Act'' the first place it appears and inserting ''section''.

(b) AMENDMENTS RELATED TO SECTION 1105.—Section 3304(a) of the 1986 Code is amended—

(1) in paragraph (15)—

(A) by redesignating clauses (i) and (ii) of subparagraph (A) as subclauses (I) and (II),

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii),

(C) by striking the semicolon at the end of clause (ii) (as so redesignated) and inserting '', and'',

(D) by striking ''(15)'' and inserting ''(15)(A) subject to subparagraph (B),'', and

(E) by adding at the end the following:

''(B) the amount of compensation shall not be reduced on account of any payments of governmental or other pensions, retirement or retired pay, annuity, or other similar payments which are not includible in the gross income of the individual for the taxable year in which it was paid because it was part of a rollover distribution;'', and

(2) by striking the last sentence.

(c) AMENDMENTS RELATED TO SECTION 1106.—Section 3(37)(G) of ERISA is amended by—

(1) striking ''paragraph'' each place it appears in clauses (ii), (iii), and (v)(I) and inserting ''subparagraph'',

(2) striking ''subclause (i)(II)'' in clause (iii) and inserting ''clause (i)(II)'',

(3) striking ''subparagraph'' in clause (v)(II) and inserting ''clause'', and

(4) by striking ''section 101(b)(4)'' in clause (v)(III) and inserting ''section 101(b)(1)''.

SEC. 112. EFFECTIVE DATE.

Except as otherwise provided in this title, the amendments made by this title shall take effect as if included in the provisions of the 2006 Act to which the amendments relate.

TITLE II—OTHER PROVISIONS

SEC. 201. AMENDMENTS RELATED TO SECTIONS 102 AND 112 OF THE PENSION PROTECTION ACT OF 2006.

(a) AMENDMENT OF ERISA.—The last sentence of section 303(g)(3)(B) of ERISA is amended to read as follows: ''Any such averaging shall be adjusted for contributions, distributions, and expected earnings (as determined by the plan's actuary on the basis of an assumed earnings rate specified by the actuary but not in excess of the third segment rate applicable under subsection (h)(2)(C)(iii)), as specified by the Secretary of the Treasury.''.

(b) AMENDMENT OF 1986 CODE.—The last sentence of section 430(g)(3)(B) of the 1986 Code is amended to read as follows: ''Any such averaging shall be adjusted for contributions, distributions, and expected earnings (as determined by the plan's actuary on the basis of an assumed earnings rate specified by the actuary but not in excess of the third segment rate applicable under subsection (h)(2)(C)(iii)), as specified by the Secretary.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the 2006 Act to which the amendments relate.

SEC. 202. MODIFICATION OF INTEREST RATE ASSUMPTION REQUIRED WITH RESPECT TO CERTAIN SMALL EMPLOYER PLANS.

(a) IN GENERAL.—Subparagraph (E) of section 415(b)(2) of the 1986 Code (relating to limitation on certain assumptions) is amended by adding at the end the following new clause:

''(vi) In the case of a plan maintained by an eligible employer (as defined in section 408(p)(2)(C)(i)), clause (ii) shall be applied without regard to subclause (II) thereof.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning after December 31, 2007.

SEC. 203. DETERMINATION OF MARKET RATE OF RETURN FOR GOVERNMENTAL PLANS.

(a) AMENDMENT OF ADEA.—Section 4(i)(10)(B)(i)(III) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623(i)(10)(B)(i)(III)) is amended by adding at the end the following: ''In the case of a governmental plan (as defined in the first sentence of section 414(d) of the Internal Revenue Code of 1986), a rate of return or a method of crediting interest established pursuant to any provision of Federal, State, or local law (including any administrative rule or policy adopted in accordance with any such law) shall be treated as a market rate of return for purposes of subclause (I) and a permissible method of crediting interest for purposes of meeting the requirements of subclause (I), except that this sentence shall only apply to a rate of return or method of crediting interest if such rate or method does not violate any other requirement of this Act.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the provisions of the Pension Protection Act of 2006 to which such amendment relates.

SEC. 204. TREATMENT OF CERTAIN REIMBURSEMENTS FROM GOVERNMENTAL PLANS FOR MEDICAL CARE.

(a) IN GENERAL.—Section 105 of the 1986 Code (relating to amounts received under accident and health plans) is amended by adding at the end the following new subsection:

''(j) SPECIAL RULE FOR CERTAIN GOVERNMENTAL PLANS.—

''(1) IN GENERAL.—For purposes of subsection (b), amounts paid (directly or indirectly) to the taxpayer from an accident or health plan described in paragraph (2) shall not fail to be excluded from gross income solely because such plan, on or before January 1, 2008, provides for reimbursements of health care expenses of a deceased plan participant's beneficiary.

''(2) PLAN DESCRIBED.—An accident or health plan is described in this paragraph if such plan is funded by a medical trust that is established in connection with a public retirement system and that—

''(A) has been authorized by a State legislature, or

''(B) has received a favorable ruling from the Internal Revenue Service that the trust's income is not includible in gross income under section 115.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to payments before, on, or after the date of the enactment of this Act.

SEC. 205. ROLLOVER OF AMOUNTS RECEIVED IN AIRLINE CARRIER BANKRUPTCY TO ROTH IRAS.

(a) GENERAL RULE.—If a qualified airline employee receives any airline payment amount and transfers any portion of such amount to a Roth IRA within 180 days of receipt of such amount (or, if later, within 180 days of the date of the enactment of this Act), then such amount (to the extent so transferred) shall be treated as a qualified rollover contribution described in section 408A(e) of the Internal Revenue Code of 1986, and the limitations described in section 408A(c)(3) of such Code shall not apply to any such transfer.

(b) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

(1) AIRLINE PAYMENT AMOUNT.—

(A) IN GENERAL.—The term ''airline payment amount'' means any payment of any money or other property which is payable by a commercial passenger airline carrier to a qualified airline employee—

(i) under the approval of an order of a Federal bankruptcy court in a case filed after September 11, 2001, and before January 1, 2007, and

(ii) in respect of the qualified airline employee's interest in a bankruptcy claim against the carrier, any note of the carrier (or amount paid in lieu of a note being issued), or any other fixed obligation of the carrier to pay a lump sum amount.

The amount of such payment shall be determined without regard to any requirement to deduct and withhold tax from such payment under sections 3102(a) and 3402(a).

(B) EXCEPTION.—An airline payment amount shall not include any amount payable on the basis of the carrier's future earnings or profits.

(2) QUALIFIED AIRLINE EMPLOYEE.—The term ''qualified airline employee'' means an employee or former employee of a commercial passenger airline carrier who was a participant in a defined benefit plan maintained by the carrier which—

(A) is a plan described in section 401(a) of the Internal Revenue Code of 1986 which includes a trust exempt from tax under section 501(a) of such Code, and

(B) was terminated or became subject to the restrictions contained in paragraphs (2) and (3) of section 402(b) of the Pension Protection Act of 2006.

(3) REPORTING REQUIREMENTS.—If a commercial passenger airline carrier pays 1 or more airline payment amounts, the carrier shall, within 90 days of such payment (or, if later, within 90 days of the date of the enactment of this Act), report—

(A) to the Secretary of the Treasury, the names of the qualified airline employees to whom such amounts were paid, and

(B) to the Secretary and to such employees, the years and the amounts of the payments.

Such reports shall be in such form, and contain such additional information, as the Secretary may prescribe.

(c) EFFECTIVE DATE.—This section shall apply to transfers made after the date of the enactment of this Act with respect to airline payment amounts paid before, on, or after such date.

SEC. 206. MODIFICATION OF PENALTY FOR FAILURE TO FILE PARTNERSHIP RETURNS.

Section 6698 of the 1986 Code is amended by adding at the end the following new subsection:

''(e) MODIFICATIONS.—In the case of any return required to be filed after December 31, 2008, the dollar amount in effect under subsection (b)(1) shall be increased by $4.''.

SEC. 207. MODIFICATION OF PENALTY FOR FAILURE TO FILE S CORPORATION RETURNS.

Section 6699 of the 1986 Code is amended by adding at the end the following new subsection:

''(e) MODIFICATIONS.—In the case of any return required to be filed after December 31, 2008, the dollar amount in effect under subsection (b)(1) shall be increased by $4.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Dakota (Mr. POMEROY) and the gentleman from Minnesota (Mr. RAMSTAD) each will control 20 minutes.

The Chair recognizes the gentleman from North Dakota.

Mr. POMEROY. Mr. Speaker, I ask unanimous consent that 10 minutes of my time be controlled by Mr. ANDREWS of New Jersey of the Education and Labor Committee.

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

There was no objection.

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

I rise today in favor of moving this bill, H.R. 6382, the Pension Protection Technical Corrections Act, forward in an expedited manner. This bill is important to workers so that their retirement years will be more secure, and to employers so that the cost of the defined benefit pension which they are committed to offering their employees will be more predictable.

The Tax Code and the Employee Retirement Income Security Act, known as ERISA, are complex and broad reaching laws. When Congress enacts laws to change them, such as in the Pension Protection Act, the interactions between the Code and ERISA are difficult, and we need to make corrections of drafting areas in other aspects of the law that come to light after the bill is passed. That is why we are here today.

We need to act quickly. The Pension Protection Act became effective more than 6 months ago, imposing sweeping reforms that affect how employers fund the promises that they make to their employees in the defined benefit pensions. In addition, the bill includes many significant reforms to multi-employers' pension plans that cover union workers.

Three months ago, this House unanimously passed a bill that included many of the provisions that are before us this morning, but that bill did not address several key issues of special importance to those employers who continue to weather the storm and are persistently committed to providing a secured lifetime pension benefit to workers.

At that time, there was a bipartisan agreement that Congress needed to take further action. It is important that we are here today to complete our work because American workers are anxious about their retirement security.

In April, the Employee Benefit Research Institute reported that worker confidence in their financial prospects for retirement have reached a 7-year low. Their 2008 Retirement Confidence Survey found only 18 percent of workers very confident they will have enough money to live comfortably through their retirement years. This is down from 27 percent 1 year ago, a drop of nearly a third.

I commend the Chairman of the Ways and Means Committee, the Chairman of the Education and Labor Committee for bringing a bill to the floor that gives both public and private sector defined benefit plans the added clarity they need to comply with the Pension Protection Act.

□ 1130

Let me also extend thanks to the staff of the Ways and Means Committee, the Education and Labor Committee and their counterparts in the Senate. Their hard work brings us to this point with a bill that provides the needed clarifications of congressional intent that the Treasury Department and Internal Revenue Service need to implement the provisions of the Pension Protection Act.

Today we also have an opportunity to pass a bill that will help the beneficiary of a 401(k) plan who would like to keep the money for retirement savings since the bill before us clarifies the application of a non-spousal rollover provision and the construction worker whose pension may experience underfunding since this bill also clarifies how the notice he or she will get alerts him or her to any benefit reductions.

I want to speak for a minute about the asset smoothing provision of this bill, which I believe is substantively very important. Importantly, H.R. 6382 does not leave the gaps that were not included in this bill in this body when it passed a few months ago, because the bill before us today gives relief to plan sponsors from volatility in plan costs faced by employers who provide defined benefit pensions.

It allows plan sponsors to use a tool called ''asset smoothing'' to balance out the ups and downs that occur with investments. Several months ago, one of my colleagues from the other side of the aisle called on this body to pass asset smoothing quickly. Today we have that opportunity.

As we have seen a sharp market downturn occur in the stock market, this tool becomes even more important to help employers plan for pension expenses. With this clarification of congressional intent, employers will not be forced to base pension plan contributions on shifting marked-to-market values. For some large employers, this can mean a difference of several million dollars. Our economy has gone through a patch where over 400,000 jobs have been lost in the last 6 months alone. We do not want to put employers in this pinch between providing pensions or keeping employees on their jobs.

Some might think if the employer has to put more money in the pension, it is really a great thing for workers. But there is an important hitch to this consideration. Our Nation's pension plan is a voluntary system and employers can decide that offering a pension simply no longer makes good business sense.

We have businesses struggling in this recession. Many plans have been frozen as employers ask, can we continue to provide pension plan coverage? 3.3 million workers have seen their benefit plans frozen in some way, and, unfortunately, when the Department of Labor analyzed the Pension Protection Act, they conducted no research on whether the new stringent funding requirements would accelerate the freezing of pension plans. I believe there is no question the Pension Protection Plan has accelerated the freezing of pension plans, and if we don't pass this act and that smoothing provision in this technical corrections bill, more plans will be frozen.

Another important fix included in this bill is the defined benefit pension plans that State and local governments offer their employers. These public plans were caught in the provisions of a Pension Protection Act designed only to cover cash balance conversions. It was never intended to apply to public pension plans. But, unfortunately, the Treasury Department has held that the credited interest provision of public pension plans is limited to a rate no greater than a market rate of return.

Under long-existing law that has been in place for decades, the public plans themselves and the political subdivisions or States that sponsor those plans determined what the credited interest rate would be. As a former employee of the State of North Dakota, for example, I have a credited rate of interest on a pension accrual that I had, a vested pension benefit that I have, of 7.5 percent that was determined by the State of North Dakota. It ought to be recognized, as it has been in the past. But under the Treasury provision, no greater than market rate of return would be allowed.

Well, public plans not subject to ERISA, but with their unique protections and plan designs, should benefit from this clarification to ensure rates of interest provided by State and local governments. Who in the world are we in Congress, without even thinking that this applied to public pension plans in the first place, to say what the credited rate of interest should be? We have got to trust State and local political subdivisions with this call, and this bill fixes that problem.

In conclusion, just let me say that American workers are anxious about their retirement security. Today, Congress can act to address and reduce this uneasiness. It is a very important technical fix before us, and I urge its adoption.

I reserve the balance of my time.

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

Mr. Speaker, I rise in strong support of H.R. 6382, the Pension Protection Technical Corrections Act. Pension technical corrections, Mr. Speaker, are hardly considered glamorous bills. The Tax Code and ERISA which govern pension plans are complicated, to say the least, and the interaction between the

two sets of laws is very complex. So it is no surprise that a pension technical corrections bill is, as named, highly technical.

But that doesn't detract from the importance of this bill. Because of the complexity of this area of law, a number of glitches have been discovered that prevent pension laws from operating the way Congress has intended. This bill will fix those glitches, will correct those errors, whether they are drafting or other errors. This will give much-needed certainty to plan administrators, government regulators, and, most importantly, the people who depend on pensions for their financial security in retirement.

That is the bottom line. This is all about making these corrections so that the people who depend on pensions for their financial security in retirement will have certainty and security.

Mr. Speaker, I realize some people do not fully appreciate what a difficult and painstaking process is involved in technical corrections. In fact, until I got involved directly, I didn't realize how complex a process this was, involving both caucuses, five committees in both bodies of Congress and three executive branch agencies.

In the case of the bill before us today, the process is led by the staff of the Joint Committee on Taxation, which did a marvelous job, and includes collaboration from the bipartisan staff of the Ways and Means Committee and Education and Labor Committee, as well as their counterparts from the Senate Finance and Senate Health Committees. All of those staffers should be commended, Mr. Speaker, for the excellent work they did on this legislation. Also involved were representatives from the Treasury and Labor Departments and the Pension Benefit Guaranty Corporation.

Sometimes, Mr. Speaker, there are disagreements about what should and should not be considered technical. Each participant in the process has a veto. Thus, only items that were unanimously viewed as correcting a drafting mistake are included in the technical title of the measure before us. Getting all these players to agree that the sky is blue is certainly not an easy task, so I can't overstate how monumental it is that we now have a bill that survived that rigorous process.

There is also another title in the bill containing a few other pension-related items that are not purely technical. I want to thank Chairman RANGEL and his staff, as well as the Members here before us today, the outstanding Members on the other side the aisle from the committee, Mr. POMEROY and also the gentleman from New Jersey, for their cooperation and collaboration on the bill.

I also want to thank Mildeen Worrell from Chairman RANGEL's staff for working to include the provision that I authored that solves an urgent problem for State employees back home in Minnesota, including many, many first responders, police, firefighters and other first responders, as well as teachers. I am also grateful to Ranking Member MCCRERY and his excellent staff for their assistance.

Mr. Speaker, let me conclude by saying it is time to provide much-needed certainty to our Nation's pension plans and the people who rely on them. I urge my colleagues to support this bill.

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

Mr. ANDREWS. Mr. Speaker, I rise to claim the 10 minutes of the Committee on Education and Labor.

The SPEAKER pro tempore. The gentleman from New Jersey is recognized for 10 minutes.

Mr. ANDREWS. Mr. Speaker, I rise in support of the legislation and would like to echo the comments of my friend from Minnesota in thanking the efforts of so many people to make this bill possible, beginning with Chairman RANGEL, Mr. MCCRERY, Chairman MILLER of the Education and Labor Committee, Ranking Member MCKEON, Subcommittee Chair POMEROY, Mr. RAMSTAD and others. This has been a very cooperative and good effort.

Healthy pensions are healthy for the economy of the United States. When the tens of millions of people who are covered by pension funds feel more confident about the security of their money and the likelihood that it will continue on into the future, they are more likely to be consumers and investors and engines of economic opportunity for the rest of us in the economy.

This act makes a number of important corrections that will strengthen and therefore make more healthy the pension funds of our country. I embrace and support each of those changes. I would like to highlight three of them that I believe are of significant and important relevance.

The first has to do with the so-called smoothing provisions, which will particularly benefit the larger employers. We have significant and rigid new standards under the 2006 act which require underfunded plans to catch up so that they are fully funded as soon as reasonably possible. But it is important that those rigid standards do not choke off the economic activity of the plan sponsor, and when they are too rigid, they run that risk. So these smoothing provisions give the plan sponsor, the employer, the flexibility to make a rational judgment about how much money is needed to be put into the fund to catch it up how soon.

In my view, this reform is a win for the taxpayers, it is a win for the pensioners and employees and a win for the employer. It is a win for the taxpayers in that a plan that is caught up in a rational way by a successful employer is qualitatively less likely to go into default, to go into insolvency and to call for a bailout by the Pension Benefit Guaranty Corporation. Ultimately, the taxpayers of the country stand behind the PBGC. The fewer claims of insolvency, the less risk to the taxpayer.

Second, I believe that these provisions are very good for pensioners and employers because these provisions substantially increase the likelihood that the pension fund will be stable, permanent and a source of income for the person for the rest of his or her life.

Finally, this is most certainly an advantage for all those who benefit from the pension system. So I think that this is a very important change.

This is an important change for small business as well. One particular change that lets small businesses rely upon a fixed 5.5 percent rate of interest in their pension calculations means that the person running a dental practice or a small manufacturing plant does not have to incur unnecessary legal or accounting or actuarial fees to calculate and recalculate changing assumptions. The matter of a few thousand dollars for that plan sponsor is very important, and it leads to the result that more employers will keep these plans, as my friend Mr. POMEROY expressed concern about earlier on.

Finally, I would join with the comments of Mr. POMEROY and Mr. RAMSTAD about the very significant importance of the public employee pension fund provisions in this bill. The history of public employee pension funds in this country is a very stable and positive one. With a few rare exceptions, fund trustees around this country have made proper fiduciary choices with the investment decisions for the men and women who rely upon those decisions, and one of those decisions they make is the credit interest rate that ought to be used in calculating certain distributions to retired firefighters, teachers, police officers and other public employees.

There is a saying that is not unique to pension law, but unique to common sense, which is if it ain't broke, don't fix it. Public employee trustees around the country have done an excellent job in managing their funds, by and large. This bill has a provision in it that assures that those trustees will continue to have the freedom and flexibility to make their own determination as to what that credit interest rate ought to be and that that determination should not be supplanted by the judgment of any Federal agency or by this Congress.

You might say, well, what about the issue of exposure of the Federal taxpayer? Aren't we subjecting the Federal taxpayer to risk if the State and local trustees make the wrong decision?

□ 1145

Mr. Speaker, we are most emphatically not, because the plans about which I speak are not backed by the Pension Benefit Guaranty Corporation. So the idea of Federal regulation imposing itself upon the decisions of these trustees is without any merit or

justification. This will mean that police officers and firefighters and teachers and other public employees will get the fair pension for which they bargained and to which they are entitled.

I would like to express my appreciation to the minority and majority staff for their hard work on this bill. I think it well serves the country. I would urge my colleagues on both sides of the aisle to support it.

I reserve the balance of my time.

Mr. POMEROY. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia, my colleague on the Ways and Means Committee, Mr. LEWIS.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my good friend Mr. POMEROY for yielding.

Mr. Speaker, people are suffering, people are barely getting by. Some people are using their retirement savings today to pay their credit card bills or to avoid foreclosure on their home. This is a choice people should not have to make. Today, we offer just a little bit of help.

Mr. Speaker, after a lifetime of hard work, people need to know that they can retire and their pensions will be there for them. This bill will help thousands of Delta employees who live and work in my district, thousands of pilots and airline workers, whose retirement savings slipped away when the airline went bankrupt.

The payments they are receiving through the bankruptcy agreement are not going to make up for that loss. This bill will allow these workers to take their bankruptcy payment and put their money into a retirement account. Pilots and airline workers are asking for this help so they can help put their money back where it belongs, growing into a nest egg for retirement.

Mr. Speaker, I want to thank Chairman RANGEL and the great staff of the Ways and Means Committee and my own staff who worked with me to help pilots and airline workers in this bill today. We must do more to help people earn enough money and save enough money so they can live well when they retire. We must protect the hopes and dreams of America's workers.

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

Just briefly, I rise again in strong support of the Pension Protection Technical Corrections Act. It truly is a vital piece of legislation for the people of America. I want to again thank Chairman RANGEL, Chairman MILLER, Ranking Member MCCRERY, Mr. POMEROY, and Mr. ANDREWS for their collaboration on this legislation, and last but not least the unsung heroes who worked tirelessly to put this product together, all the staff members of the respective committees.

I urge passage of the bill.

I yield back the balance of my time.

Mr. ANDREWS. I would just reiterate that we urge passage of this well-thought-out bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman from North Dakota has 30 seconds remaining.

Mr. POMEROY. Mr. Speaker, I just want to thank Mr. RAMSTAD, a committee member who meant so much to the Ways and Means Committee, Mr. LEWIS for his work with the Delta pilots and the provision he speaks to, as well as Mr. ANDREWS, the pension retirement benefits expert on the Ways and Means and the Ed and Labor Committee.

I would like to think that, as we get this finished today, this sets the stage for joint collaboration further as we work on pension and advancing retirement security.

Mr. GEORGE MILLER of California. Mr. Speaker, I want to thank the Ways and Means Committee for sheparding this bill, the Pension Protection Technical Corrections Act, to the floor.

The Pension Protection Act contained major changes to the funding rules for defined benefit pension plans. The final bill was over 900 pages long.

As can be expected with any massive legislative vehicle, the final law contained dozens of mistakes, some technical and some not so technical.

The bill before us today primarily fixes only the technical errors that have been found in the bill. It does not seek to make any changes in pension policy.

The bill was put together by the staffs of all the committees of jurisdiction, both in the House and Senate and on both sides of the aisle. The bill has been vetted by the key regulatory agencies—the Department of Labor, Treasury Department, and the Pension Benefit Guaranty Corporation (PBGC).

The bill mostly fixes incorrect punctuation and citations. It also contains a few substantive changes in places where the language of the PPA was unclear and clarification was needed for the agencies to be able to carry out the purposes of the law.

I would like to address some confusion created by the Treasury Department, in which it, as part of its PPA interpretation, provided guidance on the wear-away of workers' accrued pension benefits in cash balance plans.

An important part of the Pension Protection Act was to make clear that the wear-away of workers' benefits was illegal in cash balance plans, not only with respect to normal retirement benefits, but also with respect to early retirement benefits. As a political compromise, Congress made this rule prospective only, with the question of wear-away under the pre-PPA law to be decided by the Federal courts.

The Treasury Department issued a first ruling last year that undermined this carefully crafted compromise. Treasury recently issued new rules in which it indicated it will not rule on pre-PPA wear-away. There are many court cases pending on this matter and it must remain solely to the courts to decide whether pre-PPA pension law permitted employers to wear-away workers' otherwise legally protected accrued benefits.

Although I did not support the PPA, I hope that the House can pass these technical changes and then move on to the more pressing retirement issues of the day.

With the faltering economy and housing market crisis, more and more individuals are withdrawing their 401(k) pension monies in order to pay their mortgages and other bills.

These families are being forced to sacrifice their retirement security in order to survive day to day.

The Congress needs to address the real retirement security crisis facing working families.

The Pension Protection Act only made the problem worse. The law forced companies to speed up pension plan funding regardless of the financial status of the company or the pension plan. While faster funding had some superficial appeal, the real result is to encourage employers to terminate their pension plans or seek access to the accumulated assets.

Workers are increasingly dependent on 401(k) savings plans for their retirement security.

But as my Committee has found over the past year, 401(k) plans are being decimated by below average investment returns and excessive fees.

The Congress needs to start thinking about these more pressing issues.

Mr. POMEROY. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Dakota (Mr. POMEROY) that the House suspend the rules and pass the bill, H.R. 6382.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. POMEROY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 6382.

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

There was no objection.

HONORING THE GOAL OF THE INTERNATIONAL YEAR OF ASTRONOMY

Mr. LAMPSON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 375) to honor the goal of the International Year of Astronomy, and for other purposes.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 375

Whereas the year 2009 represents the 400th Anniversary of Galileo's astronomical use of the telescope;

Whereas the year 2009 has been designated the International Year of Astronomy (IYA) by the United Nations and UNESCO;

Whereas astronomical observations and discoveries have profound implications for the development of science, philosophy, culture, and our general conception of our place in the Universe;

Whereas astronomy is one of the oldest basic sciences and contributes fundamentally to the ultimate context of all other sciences;

Whereas astronomy and astronomical discoveries continue to capture the imagination of the American people;

Whereas the United States is the home of the most advanced astronomical research in the world;

Whereas the many creative programs and activities planned in the United States for IYA 2009 are strongly supported by the staff, missions, and observatories of the National Science Foundation and the National Aeronautics and Space Administration;

Whereas science and technology awareness and education play a critical role in the economic success of the United States; and

Whereas the astronomical sciences inspire students to study science, mathematics, engineering, and technology: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) honors the goal of the International Year of Astronomy to celebrate astronomical discoveries;

(2) encourages the public to participate in IYA celebrations and activities and discover more about the Universe and the science of astronomy; and

(3) applauds the efforts of the employees, centers, and laboratories of the National Aeronautics and Space Administration and the National Science Foundation in promoting public understanding of the astronomical sciences during the celebration of the International Year of Astronomy.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. LAMPSON) and the gentleman from Florida (Mr. FEENEY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. LAMPSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on House Concurrent Resolution 375, the resolution now under consideration.

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

There was no objection.

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

I rise in support of H. Con. Res. 375, honoring the goal of the International Year of Astronomy. Astronomy seems to capture the imagination of the public more than almost any other discipline of science. Children everywhere gaze with wonder and amazement at the night sky. Images from the Hubble telescope grace the screensavers and wallpaper of our computers.

Millions of people every year visit the many planetariums around the country, including the historic Adler Planetarium in Chicago, and the Burke Baker Planetarium in Houston, which is also used to train space shuttle astronauts in identifying starfields.

The International Year of the Astronomy Committee is taking advantage of the public's enthusiasm by engaging ordinary citizens in real scientific projects, such as tracking binary stars and their eclipses from many different locations. In fact, three of the major goals for IYA 2009 are: One, increase scientific awareness; two, promote widespread access to new knowledge and observing experiences; and, three, support and improve formal and informal science education. These are also priorities for the Science and Technology Committee as reflected in last year's landmark COMPETES Act.

I applaud the astronomy community for making the 2009 International Year of Astronomy not just a celebration of science by scientists but an opportunity to share the wonders and relevance of science with all citizens across the globe.

As a Texan, I am particularly proud of the role that NASA and NASA centers, including the Johnson Space Center in my district, will have in celebrating the International Year of Astronomy and in promoting astronomy and space exploration. I thank Ms. GIFFORDS for offering this resolution to recognize these important efforts and honor the goals of the International Year of Astronomy.

I reserve the balance of my time.

Mr. FEENEY. Mr. Speaker, I rise in support of House Concurrent Resolution 375, to honor the goal of the International Year of Astronomy, along with the gentleman from Texas.

In 1609, Galileo Galilei turned a telescope to the night sky and saw an amazing array of astronomical wonders. From that point on, mankind has been fascinated by the secrets of the universe and has been committed to understanding Earth and everything beyond through extraordinary scientific leaps.

In honor of the 400th anniversary of Galileo's discovery, the United Nations has designated 2009 the International Year of Astronomy. The purpose of the International Year of Astronomy is to help citizens of the world discover the impact astronomy has had on their daily lives and create a greater knowledge of what the universe has to offer. The International Year of Astronomy will be a worldwide celebration aiming to stimulate interest in astronomy and science, particularly in younger generations, coalescing around the central theme of, ''The Universe, Yours to Discover.''

There are eight major goals of the International Year of Astronomy. They include:

Increasing scientific awareness in the general public through the communication of scientific breakthroughs;

Promoting widespread access to the universal knowledge of fundamental science through astronomy and sky-observing experiences;

Empowering astronomical communities in developing countries by engaging in international collaboration;

Supporting and improving formal and informal science education in schools and science centers;

Providing a modern image of science and scientists to reinforce the connection between science education and science careers;

Facilitating new and strengthen existing astronomical networks by connecting amateur astronomers with educators and scientists on a local, regional, and national level;

Improving the gender balance of scientists at all levels and promote greater involvement by underrepresented minorities in scientific and engineering careers; and, finally

Facilitating the preservation of the world's dark skies in places such as national parks and astronomical sites.

The U.S. is taking a lead role in the International Year of Astronomy by heading up four of the 11 cornerstone projects outlined by the International Astronomical Union. They include the Galileoscope initiative, which aims to provide millions of people with an inexpensive telescope in order to make their own discoveries just as Galileo did so many years ago; and Dark Skies Awareness, a wide-ranging effort to preserve and protect the world's heritage of Dark Night Skies in astronomical observation sites.

The U.S. is also taking part in From the Earth to the Universe, an exhibit of astronomical photographs from ground and space-based observatories to be displayed in public locations accessible to all. These projects are designed to help achieve one or more of the eight main goals that I went through before.

The International Year of Astronomy is an effort in which the United States is pleased to take a leading role, and I applaud the efforts of the United Nations and the International Astronomical Union. Therefore, I am pleased to join today with the gentleman from Texas, and I urge all of my colleagues to support House Concurrent Resolution 375.

I reserve the balance of my time.

Mr. LAMPSON. Mr. Speaker, I yield such time as the gentlelady from Arizona (Ms. GIFFORDS) would consume.

Ms. GIFFORDS. I thank the gentleman.

Next year will be the 400th anniversary of when the Italian astronomer Galileo Galilei first pointed a telescope into the night sky. Galileo did not invent the telescope, but he was the first one to use it for astronomy. The observations he made ultimately revolutionized humanity's understanding of the solar system and of the universe.

Though his telescope was crude, certainly by modern day standards, he was able to see craters and shadows and mountains on the Moon. He also saw the planet Venus go through phases just like our moon does. And he saw moons orbiting the planet Jupiter. He saw all of this at a time when conventional wisdom held that all celestial objects orbited our planet, the planet Earth. These discoveries marked the beginning of modern astronomy.

It is because of the importance of these discoveries that countries all around the world have chosen to recognize the 400th anniversary year, 2009, as the International Year of Astronomy. This celebration of astronomical discoveries is designed to increase interest in astronomy and science. Throughout next year, a wide variety of events

and activities and meetings at parks and museums and other public spaces will promote a greater understanding and appreciation of astronomy and science throughout the United States and throughout the world.

It is only befitting that the United States is taking a lead role in this international celebration, because today the United States is at the forefront in astronomical research. We have built telescopes that would astound Galileo and his contemporaries. We have telescopes on earth with mirrors 400 inches across. We also have telescopes that orbit our planet far above the earth's surface. Indeed, NASA's space-based telescopes, including Hubble Space Telescope, Spitzer, Chandra, and many others, regularly produce images that amaze and inspire people around the world and yield scientific discoveries on everything from the formation of stars and the solar systems to the fate of our universe itself.

Now, I am particularly excited about the opportunity to use the International Year of Astronomy to engage and inspire young people in mathematics and science generally and particularly. I am pleased that the 110th Congress has come to great lengths to increase our Nation's emphasis on science and math, most notably by passing the America COMPETES Act last year. But we can always do more. And nothing captures and engages the mind of students, young and old alike, than the process of discovery. This is the fundamental essence of astronomy, and it is my hope that the events and the activities sponsored by the International Year of Astronomy will inspire many new young people to embrace worlds that will open them through the study of math and science.

□ 1200

Astronomy has a strong history in my southern Arizona district, and one of the brightest stars we have is Dr. Roger Angel, a professor of astronomy and recipient of a MacArthur Foundation genius award. In Dr. Angel's own words, ''from the study of astronomy, students today can learn about energy in all of its forms, as well as gain an appreciation for the beauty of the universe. They learn practical tools needed to address the energy and climate crisis. Astronomy know-how even has practical value. I am using it to figure out good ways to harness the sun's energy on Earth with big, telescope-like mirrors.''

Thus, we see an example of how students today can build a foundation, and exactly the kind of scientific understanding and technological skill that we need to solve some of society's most pressing problems, climate change, global warming, and our energy needs in the future.

In the United States, some key organizations sponsoring, promoting and organizing events and activities for the International Year of Astronomy include the American Astronomical Society, the Astronomical Society of the Pacific, the Astronomical League, the American Association of Variable Star Observers, NASA, and the National Science Foundation.

Ultimately, astronomy is the study of everything that is not on Earth. It appeals to our sense of wonder and curiosity and our place in the vast cosmos. The German astronomer Johannes Kepler, whose laws of planetary motion are still used today said, ''The treasures hidden in the heavens are so rich that the human mind shall never be lacking in fresh nourishment.''

It is those treasures of the heavens, and the men and women who study them, that we will celebrate and honor and discover in 2009 with the International Year of Astronomy.

Mr. FEENEY. Mr. Speaker, I want to thank again the gentleman from Texas. All humanity has a common interest in what astronomy can provide to us, and I encourage all of my colleagues to support the bill.

I want to thank staff on both sides for their work on this bill, including a young woman named Susan Gleiser. This is one of the first bills she has had a chance to work on. I urge unanimous adoption of this resolution.

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

Mr. LAMPSON. Mr. Speaker, I have no further speakers, and I concur with Mr. FEENEY and would ask that this bill pass.

I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SERRANO). The question is on the motion offered by the gentleman from Texas (Mr. LAMPSON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 375.

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.

CELEBRATING THE 25TH ANNIVERSARY OF THE FIRST AMERICAN WOMAN IN SPACE, DR. SALLY K. RIDE, AND HONORING HER CONTRIBUTIONS TO THE SPACE PROGRAM AND TO SCIENCE EDUCATION

Mr. LAMPSON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1313) celebrating the 25th anniversary of the first American woman in space, Dr. Sally K. Ride, and honoring her contributions to the space program and to science education.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1313

Whereas Sally K. Ride of Los Angeles, California, a physicist by training and an accomplished athlete, was selected as a National Aeronautics and Space Administration (NASA) astronaut candidate in 1978, as part of the eighth class of NASA astronauts and one of only six women in the class;

Whereas on June 18, 1983, Dr. Ride was lofted into space aboard the Space Shuttle Challenger as part of the STS–7 crew, making her the first American woman in space;

Whereas the STS–7 crew launched two communications satellites from the Shuttle and accomplished many first steps for the United States space program, including the first release and capture of a satellite using the Shuttle's robotic arm, the first demonstration of a Shuttle's flight in formation with a free-flying satellite, and the first United States-German cooperative material science experiments aboard the Shuttle, as well as the conduct of other science experiments;

Whereas on October 5, 1984, Dr. Ride made her second spaceflight as a mission specialist on STS 41–G, a mission that demonstrated the ability to refuel satellites in orbit and launched NASA's Earth Radiation Budget Satellite, which spent over 20 years providing valuable scientific data on the Earth's absorption and re-radiation of solar energy;

Whereas when training for Dr. Ride's third spaceflight assignment ceased after the tragic loss of the Space Shuttle Challenger and her crew in 1986, Dr. Ride was called to serve on the Presidential Commission on the Space Shuttle Challenger Accident;

Whereas Dr. Ride has continued to serve the Nation's space program with distinction, authoring the 1987 report, Leadership and America's Future in Space, and serving on the Columbia Accident Investigation Board;

Whereas, as an educator, author of children's books, and advocate for the next generation of women in science, mathematics, and technology, Dr. Ride's work has contributed to the wellbeing of our youth; and

Whereas Dr. Ride has worked tirelessly and passionately to encourage young women to follow the sciences, mathematics, and technology by promoting science festivals, camps, and other opportunities through which young women can acquire hands-on learning about science: Now, therefore, be it

Resolved, That the House of Representatives—

(1) celebrates the 25th anniversary of Dr. Sally K. Ride as the first American woman in space; and

(2) extends its appreciation and gratitude for Dr. Ride's excellence in service to the Nation as an astronaut, educator, and advocate for the next generation of women scientists and engineers.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. LAMPSON) and the gentleman from Florida (Mr. FEENEY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. LAMPSON. 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. Res. 1313, the resolution now under consideration.

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

There was no objection.

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

Mr. Speaker, I introduced H. Res. 1313 which celebrates the 25th anniversary of the first American woman in

space, Dr. Sally K. Ride. I was pleased that the gentlewoman from California (Mrs. DAVIS), the gentleman from Florida (Mr. FEENEY), and the gentleman from Colorado (Chairman UDALL), joined me as original cosponsors and I want to thank them for their support. This is a very special woman who has done something significant for the United States of America and a project which has touched this world.

On June 18, 1983, Dr. Sally Ride made history with her groundbreaking space shuttle flight. However, that has been by no means her only accomplishment. Dr. Ride has had a distinguished career of service to America as a veteran NASA astronaut and as an unwavering advocate for the next generation of women in space, mathematics and engineering.

She first flew as a member of the STS–7 crew, which achieved several firsts for the United States space program, including the first release and capture of a satellite using the orbiter's robotic arm and the first demonstration of a shuttle flying in formation with a free-flying satellite. And she then flew again in 1984.

She has served the space program in other ways as well. In 1987, she wrote the thoughtful report on future directions of the U.S. space program, entitled ''Leadership and America's Future in Space.'' And when tragedy struck the human space flight program, she served with distinction on both the *Challenger* and *Columbia* accident investigation boards.

In addition, Dr. Ride has worked tirelessly to encourage young women to pursue careers in science, engineering and mathematics through her science festivals and camps. She also has sought to engage young people through other creative approaches such as the EarthKAM program she established to allow middle school students to participate directly in the excitement of space exploration. That is one of the programs that we have seen dwindle and we hope to have a rekindling of support because it is a magnificent one to encourage students to stay involved and become involved in math and science and engineering courses.

As many of you know, I am passionate about the need to get our kids interested in math and science, and I think the Nation owes Dr. Ride a debt of gratitude for her efforts in that regard.

So to sum up, Dr. Sally Ride has done much to serve our Nation since she rode the shuttle into space 25 years ago. I urge my colleagues to join me in saluting her on this 25th anniversary of her first flight.

I reserve the balance of my time.

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

I am pleased to join Mr. LAMPSON in cosponsoring House Resolution 1313 which honors the life and accomplishments of an amazing woman, astronaut Dr. Sally K. Ride.

Sally Ride was born in Los Angeles, California, on May 26, 1951, and is perhaps best known as the first American woman in space. She was selected for NASA's astronaut program in January 1978, and became a mission specialist on the seventh space shuttle mission, which launched from the Kennedy Space Center, Florida, on June 18, 1983. This was the second flight of the space shuttle *Challenger*, and the first mission with a five-person crew. During the mission, Dr. Ride operated the shuttle's remote manipulator arm to perform the first deployment and retrieval exercise from the shuttle's cargo bay. These early demonstrations paved the way for routine, yet vitally important, operations necessary to build the International Space Station.

Prior to her service with NASA, Sally Ride received a bachelor of science in physics and a bachelor of arts in English, and went on to receive a master of science and doctorate degree in physics from Stanford University.

What is perhaps less well known about Sally Ride is the work she has done to motivate girls and young women to pursue careers in math and science and technology. She has written five science books for children, and initiated and directed education programs to encourage a fascination with science among middle school students.

Dr. Ride also served the Nation in other capacities, including as a member of the Presidential Commission investigating the Space Shuttle *Challenger* accident, and later the *Columbia* Accident Investigation Board. She has been a member of the President's Committee of Advisers on Science and Technology, and the National Research Council's Space Studies Board, as well as served on the Boards of Congressional Office of Technology Assessment.

Indeed, our country does owe a great debt of gratitude to this amazing woman, Dr. Sally Ride.

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

Mr. LAMPSON. Mr. Speaker, I recognize the gentlewoman from California (Mrs. DAVIS) and grant her as much time as she may consume.

Mrs. DAVIS of California. Mr. Speaker, I rise today to honor the 25th anniversary of Dr. Sally K. Ride's historic journey as the first American woman in space.

Dr. Ride also happens to be one of my constituents, and I have had the pleasure of meeting her. Twenty-five years ago, Dr. Ride and the STS–7 crew of the Space Shuttle *Challenger* were propelled into space. It had been over two decades since Neil Armstrong took one giant leap for mankind. But on June 18, 1983, Sally K. Ride took a large stride for women everywhere by becoming the first American woman in space.

A gifted athlete, Dr. Ride had opted out of a promising tennis career to pursue college degrees in physics and English at Stanford University.

In 1977, Dr. Ride's interest was piqued by a NASA announcement seeking young scientists to serve as mission specialists on shuttle flights. Hers would be the first NASA class ever to accept women.

Out of thousands of applications, NASA selected Dr. Ride to be one of six women out of 35 new astronauts, and the class became known as the ''35 New Guys.''

To be sure, Mr. Speaker, on her historic space mission, Dr. Ride wasn't simply along for the ride. She was the mission's flight engineer, tested a robotic arm which deployed and retrieved satellites, and assisted the commander and pilot during flight.

Six years later, Dr. Ride flew into space again. Her experience and success earned her the respect of our Nation and her colleagues.

In 1986, she was asked to served on the Presidential Commission investigating the tragic *Challenger* explosion. Dr. Ride left her position at NASA in 1987, but has never stopped inspiring and encouraging the next generation to explore the world of science and space. Her impact on young women has been particularly profound.

She is a professor of physics at the University of California, San Diego and director of the University of California's California Space Institute. And she has also founded her own company, Sally Ride Science, which encourages students and their parents and teachers to learn about and enjoy the field of science. And I know from personal experience that at the science and math fairs, she is the hit. She is the highlight, and all of the young people really line up to talk with her.

Capturing the essence of Dr. Ride's life work, her company's motto is ''All Science, All the Time.''

It is this undying dedication to her field and to informing and inspiring young people that has been so characteristic of Dr. Ride since her barrier-breaking space mission a quarter of a century ago. With women like her leading the way, it is no wonder that the number of females to obtain degrees in science and engineering has increased dramatically in the last 30 years.

Ensuring that women are equitably represented in science and technology fields will mean a new level of global competitiveness for our country. This is something we need as we continue to fall behind as a Nation in math and the sciences.

While Dr. Ride's mission landed safely 25 years ago, the task of achieving gender parity in her field is far from over.

As Dr. Ride's Congresswoman and as the grandmother to a young and curious granddaughter, I urge my colleagues to support this resolution.

Mr. FEENEY. I have no further speakers, and again, I am pleased to be an original cosponsor of Mr. LAMPSON's resolution honoring a great American. I urge its adoption by the House.

I yield back the balance of my time.

Mr. LAMPSON. Mr. Speaker, it has been an honor to work with those who

have believed so very much in helping change young people's lives across this country of ours. Mr. FEENEY, Mrs. DAVIS and Mr. UDALL all saw the impact that Dr. Sally Ride had on so many young minds across this Nation to encourage them to study science and math and engineering-related classes. I think this is a wonderful way of saying thank you to another pioneer who has made a difference in so many people's lives.

I thank the gentleman for working with us on the resolution. I ask support for the resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 1313, Celebrating the 25th Anniversary of the first American Woman in Space, Dr. Sally K. Ride. This legislation gives us the opportunity to extend our appreciation and gratitude for Dr. Ride's excellence in service to the Nation as an astronaut, educator, and advocate for the next generation of women scientists and engineers. I would like to thank my distinguished colleague from Texas, Congressman LAMPSON, for introducing this important legislation.

Mr. Speaker, Sally K. Ride of Los Angeles, California, a physicist by training and an accomplished athlete, was selected as a National Aeronautics and Space Administration, NASA, astronaut candidate in 1978, as part of the eighth class of NASA astronauts and one of only six women in the class. On June 18, 1983, Dr. Ride was lofted into space aboard the Space Shuttle *Challenger* as part of the STS–7 crew, making her the first American woman in space. As a representative from "Space City Houston", I am personally inspired by Dr. Ride's accolades and triumph over the status quo.

The STS–7 crew launched two communications satellites from the shuttle and accomplished many first steps for the United States space program, including the first release and capture of a satellite using the shuttle's robotic arm, the first demonstration of a shuttle's flight in formation with a free-flying satellite, and the first United States-German cooperative material science experiments aboard the shuttle, as well as the conduct of other science experiments.

On October 5, 1984, Dr. Ride courageously made her second spaceflight as a mission specialist on STS 41–G, a mission that demonstrated the ability to refuel satellites in orbit and launched NASA's Earth Radiation Budget Satellite, which spent over 20 years providing valuable scientific data on the Earth's absorption and re-radiation of solar energy. However, training for Dr. Ride's third spaceflight assignment ceased after the tragic loss of the Space Shuttle *Challenger* and her crew in 1986. Following this, Dr. Ride was called to serve on the Presidential Commission on the Space Shuttle Challenger Accident.

Refusing to let the tragic loss of her crewmen deter her from her passion, Dr. Ride continued to serve the Nation's space program with distinction, authoring the 1987 report, Leadership and America's Future in Space, and serving on the Columbia Accident Investigation Board. As an educator, author of children's books, and advocate for the next generation of women in science, mathematics, and technology, Dr. Ride's work has contributed to the wellbeing of our youth.

Dr. Ride has worked tirelessly and passionately to encourage young women to follow the sciences, mathematics, and technology by promoting science festivals, camps, and other opportunities through which young women can acquire hands-on learning about science.

Mr. Speaker, I encourage my colleagues to join me in recognizing Dr. Sally K. Ride. This legislation gives us the opportunity to extend our appreciation and gratitude for Dr. Ride's excellence in service to the Nation as an astronaut, educator, and advocate for the next generation of women scientists and engineers.

□ 1215

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. LAMPSON) that the House suspend the rules and agree to the resolution, H. Res. 1313.

The question was taken.

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

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

The yeas and nays were ordered.

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

COMMEMORATING THE 25TH ANNIVERSARY OF THE SPACE FOUNDATION

Mr. LAMPSON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1312) commemorating the 25th anniversary of the Space Foundation.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1312

Whereas, on March 21, 1983, the United States Space Foundation was founded by a small group of pioneering individuals in Colorado Springs, Colorado;

Whereas 2008 marks the 25th year of excellence and service of the Space Foundation;

Whereas the mission of the Space Foundation is to advance space-related endeavors to inspire, enable, and propel humanity;

Whereas the Space Foundation has become the leading nonprofit organization advancing the exploration, development, and use of space and space education for the benefit of all humankind;

Whereas the Space Foundation embraces all aspects of space including commercial, civil, and national security;

Whereas the current national security environment requires extensive use and advancement of space-based assets;

Whereas the Space Foundation has contributed to space education programs in all 50 States and also in Europe and Asia;

Whereas the Space Foundation is regarded internationally as a leading space advocacy organization, and is a member of the United States Delegation to the United Nations Committee on the Peaceful Uses of Outer Space; and

Whereas the Space Foundation hosts the National Space Symposium and Strategic Space and Defense, 2 of the top conferences for space professionals: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the contributions made by the Space Foundation; and

(2) commemorates the Space Foundation's 25 years of excellence and support to the Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. LAMPSON) and the gentleman from Florida (Mr. FEENEY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. LAMPSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Res. 1312, the resolution now under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H. Res. 1312 which commemorates the 25th anniversary of the Space Foundation. The Space Foundation was founded in 1983 in Colorado Springs, Colorado, with the purpose of helping to advocate the Nation's space-related endeavors. Over the past 25 years, it has carried out that mission in an impressive fashion. It has grown to the point where it now undertakes space advocacy and space education initiatives in all 50 States.

As someone who feels passionately about the importance of getting our young people interested and educated in math and science, I want to call particular attention to the foundation's educational activities. The Space Foundation has recognized that space exploration is something that can really inspire kids and propel them to study hard so that some day they, too, can be a part of the Nation's endeavors in space. The foundation is doing work, important work in promoting science education, and I salute them for it.

In addition, the Space Foundation has involved itself in seeking the best path forward for the Nation across a range of commercial, civil, and national security space issues, and it consistently provides a respected forum for policy discussion and debates. In short, the Space Foundation is at the forefront of promoting the development and use of space for all humankind.

I want to join Mr. LAMBORN and other Members in congratulating the Space Foundation on 25 years of accomplishment and in wishing the foundation all the best for another 25 years of service.

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

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

Mr. Speaker, I rise in support of House Resolution 1312 which commemorates the 25th anniversary of the Space Foundation. I want to thank its sponsors, Mr. LAMBORN of Colorado and Mr. LAMPSON from Texas, for this very important resolution honoring the Space Foundation.

The Space Foundation was established in Colorado Springs in 1983 to provide a nonpartisan source of credible information to a wide variety in the space community, from professionals to the general public.

Over the last 25 years, the Space Foundation's mission has been to advance space-related endeavors to inspire, enable, and propel humanity. The Space Foundation has developed alongside the space community by fostering and promoting a greater understanding and awareness and practical uses of space for the benefit of civilization in all aspects of space: commercial, civil, and national security.

Perhaps the most notable has been the Space Foundation's commitment to space education programs. Since its inception, the Space Foundation has been a leading champion for bringing space science into the classroom. The Space Foundation's Summer Institute provides a unique educational environment in which teachers can continue their space studies and help enhance their students' classroom experience.

In addition to the Summer Institute, the Space Foundation hosts the National Space Symposium and Strategic Space and Defense, two of the top three conferences for space professionals worldwide. I might say I had the honor of attending a recent conference in Colorado Springs. The Space Foundation has been useful in efforts to bring together all aspects of the space industry and has established itself a crucial member of the space community.

I'm proud to support this resolution honoring a significant organization, and I urge my colleagues to also support House Resolution 1312.

With that, I would reserve the balance of my time.

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

Mr. FEENEY. Mr. Speaker, I would like to yield 4 minutes to the sponsor of the resolution, the gentleman from Colorado (Mr. LAMBORN).

Mr. LAMBORN. I thank my colleague from Florida.

I rise today, Mr. Speaker, in support of this resolution, H. Res. 1312, commemorating the 25th anniversary of the United States Space Foundation. Founded in March of 1983 by a small group of pioneering individuals in Colorado Springs, Colorado, the Space Foundation serves to advance America's space-related endeavors to inspire, enable, and propel humanity. This nonprofit organization is a leader in advancing space exploration, development, and use of space and space education for the benefit of all humankind and embraces all aspects of space including commercial, civilian, and national security components.

The Space Foundation's leadership in international space advocacy has led to their membership in the United States Delegation to the United States Committee on the Peaceful Uses of Outer Space.

I urge my colleagues to support this resolution and recognize the contributions made by the Space Foundation and commemorate their 25 years of excellence in support of this Nation.

Mr. FEENEY. I have no further speakers. I am prepared to close.

With that, I want to thank Mr. LAMBORN and urge the resolution's adoption by the full House.

I yield back the balance of my time.

Mr. LAMPSON. Mr. Speaker, I, too, want to congratulate Mr. LAMBORN for his recognition of this legislation, and I encourage my colleagues to support it. The most important thing that I saw as a physical science teacher in high school for many years, particularly during the years of the Apollo missions to and from the Moon, was the excitement of young people, and this is exactly what this resolution is about and what the space advocacy has been about.

I urge support of House Resolution 1312.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. LAMPSON) that the House suspend the rules and agree to the resolution, H. Res. 1312.

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.

COMMEMORATING THE 50TH ANNIVERSARY OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. LAMPSON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1315) commemorating the 50th Anniversary of the National Aeronautics and Space Administration.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1315

Whereas the National Aeronautics and Space Administration was established on July 29, 1958;

Whereas on May 5, 1961, NASA successfully launched America's first manned spacecraft, Freedom 7, piloted by Alan B. Shepard, Jr.;

Whereas in July of 1969 President John Kennedy's vision of landing a man on the moon and returning him safely to Earth was realized with the Apollo 11 mission, commanded by Neil A. Armstrong, Lunar Module Pilot Edwin ''Buzz'' Aldrin, Jr., and Command Module pilot Michael Collins;

Whereas on April 12, 1981, NASA began a new era of human space flight and exploration with the launch of the first Space Shuttle Columbia, commanded by John W. Young and piloted by Robert L. ''Bob'' Crippen;

Whereas NASA has greatly expanded our knowledge and understanding of our planet and solar system through various unmanned vehicles utilized on numerous missions;

Whereas, during the Cold War, NASA's achievements served as a source of national pride and captured the imagination of the world by demonstrating a peaceful use of our technological capabilities;

Whereas NASA now serves as a model for international cooperation and American leadership through the International Space Station and other scientific endeavors;

Whereas thanks to NASA and the far-reaching gaze of the Hubble Space Telescope, we have seen further into our universe than ever before;

Whereas NASA space probes have landed on or flown by eight of the planets in our solar system;

Whereas the aeronautics research by NASA has led to great discoveries and advances in aircraft design and aviation;

Whereas the work done by NASA has expanded the scope of human knowledge, created new technologies, and inspired young men and women to enter scientific and engineering careers;

Whereas in the last fifty years, NASA has positively impacted almost every facet of our lives; and

Whereas, thanks to the heroism, courage, and supreme sacrifice of our astronaut corps over the last five decades, we are now able to live and work in space for the benefit of all men: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the men and women of the National Aeronautics and Space Administration on the occasion of its 50th Anniversary;

(2) acknowledges the value of NASA's discoveries and accomplishments; and

(3) pledges to maintain America's position as the world leader in aeronautics and space exploration and technology.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. LAMPSON) and the gentleman from Texas (Mr. MCCAUL) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. LAMPSON).

GENERAL LEAVE

Mr. LAMPSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Res. 1315, the resolution now under consideration.

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

There was no objection.

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

I rise today to commemorate the 50th anniversary of the National Aeronautics and Space Administration, whose many outstanding achievements have provided many immeasurable benefits for the United States and the world.

It was 50 years ago this month, specifically July 29, that President Eisenhower signed the National Aeronautics and Space Act of 1958 that established NASA. At that time, the American public was still reeling from the impact of the Soviet Union's successful

launch of Sputnik 1 in late 1957 which led to the space race with the Soviets. That race came to an end less than 12 years later when American astronauts successfully landed on the Moon and returned safely to Earth. NASA was the agency that led the effort to create a human space flight program from scratch and make America preeminent in space.

Yet as remarkable as NASA's achievements were in getting America to the Moon as well as to building the Shuttle and Skylab and the International Space Station, NASA has excelled in many other areas. NASA's aeronautics research and development activities over the past half century have led to significant advances in both civil and military aircraft. NASA's aeronautics programs have also helped to make America's aviation system a world leader in safety and have improved our quality of life in numerous ways.

In addition to human space flight and aeronautics, NASA has created space and Earth science programs that are second to none in the world in terms of advancing knowledge of our planet and of our universe. One only has to look at the ways in which the Hubble telescope, for example, has rewritten the astronomy textbook since its launch in 1990 to know that NASA's space-based science programs are really some of the Nation's premier research endeavors.

In addition, NASA's technology developments have rippled through our economy in countless ways, delivering new materials, new processes, and new systems that have had a major impact on things as diverse as health care and weather forecasting.

And finally, NASA continues to be a source of inspiration to our young people and a symbol to the world of America's technological and scientific preeminence. These are important realities that we should not overlook when we debate funding for NASA.

Mr. Speaker, investing in NASA has been and continues to be an investment in our future. I'm proud to be an original cosponsor of this resolution along with Mr. MCCAUL. I urge all of our Members to support it.

I reserve the balance of my time.

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

I want to thank my colleague and friend from the Houston area for his support in this resolution.

I rise today in support of H. Res. 1315, to commemorate the 50th anniversary of the National Aeronautics and Space Administration, otherwise known as NASA. NASA was founded on July 29, 1958. On May 5, 1961, the first American was launched into space on Freedom 7, and that was Alan Shepard. On July 20, 1969, President Kennedy's dream was fulfilled when Apollo 11 landed on the Moon. Neil Armstrong became the first man to walk on the Moon at that time, and the first space shuttle Columbia launched on April 12, 1981.

NASA has inspired generations of interest in science and engineering in young people. I remember taking one of the astronauts through my school district all the way from Houston to Austin, Texas, and just the hope and the dreams that she and NASA's program inspires in our young people, particularly in the fields of math and science, is truly an inspiration, I think, for all of us as Members of Congress.

NASA's work has really led to technological and scientific advantages that benefit everyone in society, including satellite communications. We all use cell phones. Lord knows we all use our BlackBerrys here in Congress and elsewhere. We have a great understanding of the human body because of the knowledge gained during man's space flight.

□ 1230

This program, based at the Johnson Space Center in Mr. LAMPSON's district and not too far from mine, is an important part of the Houston area economy. More than 15,000 people are employed at the Johnson Space Center, and NASA's work is an example of how the government and the private sector can work together to make this world a better place.

It's vital that the Congress act, in my view, to minimize the gap between the retirement of the space shuttle and the start of Orion, to maintain our leadership role in space exploration. And through the International Space Station, NASA currently serves as a model of international cooperation.

NASA's work has greatly expanded our knowledge of our universe. The Hubble Telescope, as my colleague from Houston talked about, launched in 1990, is still providing us with useful data and bringing the schoolchildren the wonders of space. NASA has sent probes to eight different planets in the solar system.

We can't think about the space program without the President who launched it, President Kennedy, and when he explained why space exploration is so important and so necessary, he said, ''The exploration of space will go ahead, whether we join it or not, and it is one of the greatest adventures of all time, and no Nation which expects to be the leader of other Nations can expect to stay behind in this race for space . . . We set sail on this new sea because there is new knowledge to be gained and new rights to be won, and they must be won and used for all people.''

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

Mr. LAMPSON. Mr. Speaker, at this time, I yield 5 minutes to the gentlelady from California (Ms. RICHARDSON).

Ms. RICHARDSON. Mr. Speaker, I rise in strong support of H. Res. 1315, commemorating the 50th anniversary of NASA.

With the exception of apple pie and baseball, few reflections resonate across America of how proud we are of all of the work that NASA has done.

Since its inception in 1958, NASA has been the leading agency for American and global innovation. Indeed, the creation of NASA was responsible for introducing a whole new generation of scientists, engineers, and mathematicians here in the United States.

Likewise, as we celebrate the 50th anniversary of the creation of NASA, it is important to adhere to the continuing commitment we should make as a Nation to embrace innovation, and reach the unachievable, but we, as Members of Congress, must back that up with funding.

As a member of the Science and Technology Committee, I was fortunate to view in person the launch of the Space Shuttle Endeavor on March 10, 2008, where I witnessed at night the best and the brightest orchestrated through its operations and through its making history.

From making commercial aviation safer, to studying climate change, and strengthening international partnerships, which we desperately need at this time, the scientists at NASA continue to do advanced research on the issues that affect our daily lives.

I would like to applaud my colleague on the Science and Technology Committee, Representative MCCAUL, for bringing this thoughtful resolution to the floor and also to Mr. LAMPSON for his commitment to this issue.

I urge all of my colleagues to support H. Res. 1315, commemorating the 50th anniversary, and we hope that there will be many to come.

Mr. MCCAUL of Texas. Mr. Speaker, at this time, I yield to the distinguished gentleman from Georgia (Mr. GINGREY) for 4 minutes.

Mr. GINGREY. Mr. Speaker, I thank the gentleman for yielding, and I rise in strong support of this resolution, H. Res. 1315, honoring NASA on its 50th anniversary.

As an original cosponsor of this resolution, I'd like to commend my colleagues from the Science Committee, the chairman of the subcommittee, Mr. LAMPSON, the ranking member, Mr. MCCAUL of Texas, for introducing the thoughtful resolution commemorating NASA on this important milestone for our country.

Mr. Speaker, over the years, NASA has not only been the leader in human space exploration, but has successfully used technological capabilities like, as mentioned by my colleagues, the Hubble Telescope and GPS systems. I anticipate the men and women of NASA, they will continue being the true leaders and innovators in the years to come.

Mr. Speaker, as we speak today, NASA is undergoing aggressive research to convert domestic energy sources, coal, natural gas, biomass, oil shale, into cleaner and more economical alternatives to traditional jet fuel. Now, why is that important? It's important, Mr. Speaker, because in the

year 2003, the NASA agency spent $4.5 million on their jet fuel, 4.6 million gallons. In 2007, 4 years later, they spent $18.3 million. So they're doing this research in conjunction with the Department of Defense and the United States Air Force to try to find alternative sources of fuel to lower the costs to the government.

And everybody in this chamber, everybody in this Nation, knows that we are suffering tremendously from a lack of supply and a tremendous demand, and that's why we're paying $4.11 a gallon for regular gasoline.

We can solve this problem, but there's one little glitch, and that's the Democrat Energy Independence and Security Act of 2007, which absolutely prohibits NASA and the Department of Defense from utilizing any petroleum source other than conventional petroleum if it's not as clean.

Well, in times like these, when the country's on the verge of bankruptcy, I think the first priority, Mr. Speaker, should be to lower the price of gasoline, and let NASA continue to research so that we can make the conversion of shale which has something like 1.3 trillion barrels of petroleum embedded in that rock and that we can convert coal to liquid, to petroleum. We have 1.5 trillion tons of coal in this country, and we only use about 1 billion tons a year. We have a tremendous excess amount of coal right here in River City, and yet, this energy bill the Democrats passed last year prohibits us from going after this source, increasing the supply so that the price of gasoline at the pump goes down.

And I would implore my colleagues to bring these bills to the floor. They're over there. There's a discharge petition. Republicans have signed them, just a handful of Democrats. We need to bring these issues to the floor, have an up-or-down vote. At least give NASA and the Department of Defense a waiver of section 526 so that we can solve this problem and we're not so dependent on these foreign Nations that hate our guts, countries such as Venezuela and countries in the Middle East.

It's time to act. I commend the committee for bringing this resolution. It's a great resolution honoring NASA on its 50th anniversary. I support it fully, but I also support a balanced approach to solving our energy needs.

Mr. Speaker, I rise in strong support of H. Res. 1315 honoring NASA on its 50th anniversary. As an original cosponsor of this resolution, I would like to commend my colleague from the Science Committee, Mr. MCCAUL of Texas, for introducing this thoughtful resolution to commemorate NASA on this important milestone for our country.

Mr. Speaker, there is no Federal agency that has risen to the challenge of innovation over the last 50 years like NASA. We, as a nation, are today the fortunate heirs of NASA's legacy: conviction, resolve, achievement.

When the Soviets put a man into orbit, NASA was challenged by President Kennedy—in the truest form of the American competitive spirit—to put men on the moon. Many of our NASA pioneers paved the way for the crew of *Apollo 11*—Neil Armstrong, Buzz Aldrin, and Michael Collins—to reach that once unattainable goal. Now, those famous words, "One small step for a man, one giant leap for mankind" exemplify the legacy that NASA has established.

Over the years, NASA has not only been the leader in human space exploration, but has successfully used technological capabilities like the Hubble Telescope to explore the far reaches of our galaxy. Given the precedent of achievement that NASA has set, I anticipate the men and women of NASA to continue being among the true leaders and innovators in the years to come.

While this resolution represents a time for us to celebrate the achievements of NASA over the past 50 years, this is also a time to reflect and memorialize those who gave their lives in their service to NASA and the Nation—particularly the crews of *Apollo 1* in 1967, the *Challenger* in 1986, and the *Columbia* in 2003. The sacrifices that these men and women made in the service of our country will always remind us of the fragile nature of human life, and the risks associated with successes that NASA has accomplished.

With that, Mr. Speaker, I ask all of my colleagues to take this time to think about the impact and legacy that NASA has left our great Nation over the last 50 years, and I urge all of my colleagues to support H. Res. 1315.

Mr. LAMPSON. Mr. Speaker, I will reserve the balance of my time for right now.

Mr. MCCAUL of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. FEENEY).

Mr. FEENEY. I thank the gentleman from Texas, and I'm thrilled to be part of the celebration of NASA's 50th anniversary with this House Resolution 1315.

NASA was created 50 years ago in the wake of the former Soviet Union's launch of Sputnik. Sputnik provided the perception of Soviet superiority in military power and scientific achievement.

To counter that challenge, the National Aeronautics and Space Administration was founded for conducting America's civilian space program.

NASA actually succeeded the National Advisory Committee for Aeronautics, a splendid organization founded in 1915 that produced gems of aeronautical research. Now the task was to extend America's reach from the air to space.

NASA did so. Satellites were launched to monitor the weather, relay communications, and explore our solar system. America's human spaceflight program, Project Mercury, began. Astronauts were selected in 1959, and in 1960, NASA began planning a manned lunar landing.

The rest became an integral part of the American identity, not just for us but for how the rest of the world views the American experience: our journeys to the Moon; the space shuttle; the International Space Station; Apollo 13's harrowing journey; the tragedies of Apollo 1, the Shuttle Challenger, and the Shuttle Columbia; the Hubble Space Telescope; the robotic exploration of other planets; the monitoring of our dynamic Earth; and of course, the wonder of flight itself. All done in the full view of the world.

Today, America is the world's premier spacefaring Nation. For 50 years, the men and women of the NASA family have brought great honor and prestige to this country. Today, the House of Representatives honors those people, past and present.

We will continue that legacy. Last month, this House overwhelmingly passed a NASA reauthorization bill that lays out a comprehensive blueprint for sustaining a healthy and vigorous NASA. Considerable care has been devoted to all elements of NASA's portfolio, human spaceflight, Earth and space sciences, and aeronautics. We must never relinquish our leadership in space.

And yet, today in the Washington Post, the Washington Post points out that just like competition on Earth, space is now a global competitive environment, and I quote the Washington Post from today's edition. "Space, like Earth below, is globalizing. And as it does, America's long-held superiority in exploring, exploiting and commercializing 'the final frontier' is slipping away, many experts believe."

I agree with that assessment. Slowly but steadily, we are allowing our historic lead in space to slip away, and this House and the Senate and the next administration needs to step to the forefront. We're experiencing increasing competition from China, from India, from Japan, from Russia, from the European Space Agency, and increasingly, many others.

In the aftermath of the Shuttle Columbia accident, America rededicated itself to human spaceflight. We vowed to resume flying the shuttle, complete the International Space Station, and then build and fly a new generation of spacecraft that will take America beyond orbiting the Earth. The Moon will be the first of many destinations.

When this vision was announced, one of the first responses came in an editorial in The Daily Telegraph. Sometimes those living "across the pond" are the best way to observe the American people. Here's what the editorial said. "Americans, thank Heaven, are a restless, inquisitive, pioneering people. The concept of exploration, of an ever-expanding frontier, is central to their identity in a way that some Europeans find hard to understand."

As the world watches, NASA displays this fundamental part of our American character, and that is appropriate. For we explore space not just for ourselves, we do so for all of humankind.

Mr. LAMPSON. I yield myself 2 minutes, Mr. Speaker.

I've listened with interest to Congressman GINGREY's comments a few minutes ago about the advancements that NASA has made with regard to its energy usage. It has been tremendous.

On last Tuesday, I happened to have been at the Johnson Space Center watching the operation of the new lunar rover. It is a six-wheeled, actually double wheels, vehicle that runs entirely on battery power and has a magnificent amount of strength and longevity. It's the research that NASA has done in the development of better batteries, longer life for batteries, and the fact that they have been able to develop solar power to the extent that the International Space Station is entirely powered with solar collectors that are on that station, and the research that they are doing to increase the opportunity for us to be able to gather solar power in space and beam it down to Earth for our use, that continues to show the technological advancements and capabilities of our NASA, of our National Aeronautics and Space Administration.

The work that they have done on the development of fuel cells and hydrogen, all of these magnificent technologies have come because of the commitment that they have had to look at new and different and better ways of doing things. And thank goodness they have looked at it in exactly the way Dr. GINGREY was saying, balanced.

We've got to find a way to make sure that we're looking at all sources of energy, and NASA is showing exactly how to accomplish that task.

I reserve the balance of my time.

Mr. MCCAUL of Texas. Mr. Speaker, let me say once again how proud I am have to have introduced this resolution. I appreciate the support of the gentleman from Texas, my friend and colleague, and the support of the colleagues on my side of the aisle as well.

The NASA space program has proven to provide a great return on our investment in terms of Federal research and development dollars, and I would urge this Congress to continue that investment.

□ 1245

A recent article in The Washington Post today outlined that the U.S. finds it's getting crowded out in terms of dominance in space as other nations step up their efforts. China plans to conduct its first spacewalk in October. The European Space Agency is building a roving robot to land on Mars. And India recently launched a record 10 satellites into space on a single rocket. We cannot fall behind. That is not the intent, the purpose, the vision of NASA.

''Space, like Earth below, is globalizing. And as it does, America's long-held superiority in exploring, exploiting and commercializing the final frontier is slipping away,'' according to this article, ''many experts believe.''

And although the United States remains dominant in most space-related fields and owns half the military satellites currently orbiting Earth, experts say the Nation's superiority is diminishing and many other nations are expanding their civilian and commercial space capabilities at a far faster pace.

Michael Griffin said, ''We spent tens of billions of dollars during the Apollo era to purchase a commanding lead in space over all nations on Earth.'' However, this agency's budget is down 20 percent since 1992. According to Mr. Griffin, ''We've been living off the fruit of that purchase for 40 years and have not chosen to invest at a level that would preserve that commanding lead.''

We have authorized funding for NASA. I was proud to support that; I think we can do better. We need to continue to support this very important program which provides not only great scientists and engineers for this country, but allows us to be competitive globally in all areas, including science and technology and energy, but also in the wonders of space.

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

Mr. LAMPSON. Mr. Speaker, I thank the gentleman from Texas (Mr. MCCAUL) for his work on this legislation to bring attention to the wonderful work of the people who have run our National Aeronautics and Space Administration. Mr. MCCAUL made reference earlier to teachers and students going and visiting the Johnson Space Center in Houston. I remember taking students and classes myself back around 1970—actually, before we stepped foot on the Moon in 1969—and the wonderment, the excitement that all of the people who have had anything at all to do with NASA have been able to instill in young people, causing them to want to go and study math and science and engineering. What a great thing to do. And what a great day to be able to stand and say congratulations on 50 years of service and operation and advances in technology for our country and for the world.

So this is fitting that we support House Resolution 1315 in commemoration for NASA in its 50 years of operation. I ask all of my colleagues to support the bill.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in support of H. Res. 1315, commemorating the 50th anniversary of the National Aeronautics and Space Administration.

NASA has made a major impact on our national competitiveness in space and aeronautics research.

Since the Sputnik era of the late 1950s, the United States has established world leadership in space flight. Along with that accomplishment, our Nation's investments in NASA have created a strong aeronautics and engineering workforce. This intelligent, talented, well-prepared workforce is one of NASA's most powerful legacies.

NASA is of great economic importance to Texas. Johnson Space Center employs 15,000 civil servants and contractors. An untold number of small spin-off companies have been formed as a result of good ideas from the brain power at NASA.

Research discoveries from our time in space have also greatly benefited our populace.

Each year since 1976, NASA has published a list of every commercialized technology and product linked to its research.

The NASA journal ''Spinoff'' highlights these products, which have included things like improved pacemakers, state-of-the-art exercise machines and satellite radio.

All of these everyday products have stemmed from NASA-funded research: Invisible braces; scratch-resistant lenses; memory foam; the ear thermometer; shoe insoles; long-distance telecommunications; adjustable smoke detectors; cordless tools; and water filters.

During my 15 years on the House Committee on Science and Technology, I have proudly advocated for strong support of NASA.

Its education activities, particularly its efforts to encourage under-represented minorities to pursue engineering and science careers, are exemplary.

I want to congratulate the great work that NASA has done in its 50 years of existence to conduct research that benefits all members of our society.

May the next 50 years be as productive and as successful as the first.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 1315, Commemorating the 50th Anniversary of the National Aeronautics and Space Administration, NASA. As we mark the 50th anniversary of the establishment of the United States space program, this legislation reaffirms the ever growing and changing role of NASA, providing resources to carry the agency forward with its ambitious agenda of research, exploration, and discovery. I would like to thank Congressman MCCAUL for introducing this important legislation, as well as the Science Committee Chairman for his leadership in bringing this bill to the floor today.

I have long supported NASA and I have offered an amendment to H.R. 6063, the National Aeronautics and Space Administration Authorization Act of 2008.

My amendment clarifies that the NASA Outreach and Technology Assistance Program will include small, minority-owned, and women-owned businesses. It would also give preference, in selection of businesses to participate in the program, to socially and economically disadvantaged small business concerns, small business concerns owned and controlled by service-disabled veterans, and HUBZone small business concerns.

Mr. Speaker, today's resolution will allow NASA to continue to push the boundaries of what is possible, keeping our Nation on the forefront of innovation and exploration. After the *Columbia* disaster, NASA stands at a pivotal moment in its history. It is the responsibility of this Congress to ensure. that the future of NASA is one of continued progress. Space exploration remains a part of our national destiny. It inspires our children to look to the stars and dream of what they too, one day, may achieve. Space exploration allows us to push the bounds of our scientific knowledge, as we carry out research projects not possible within the constraints of the planet Earth. As a Nation, we have made tremendous strides forward in the pursuit of space exploration since President John F. Kennedy set the course for our nation in 1962, calling it the ''greatest adventure on which man has ever embarked.'' Despite the setbacks of recent years, including the tragedy that befell

the Space Shuttle *Columbia,* NASA and the American people have refused to abandon the pursuit of knowledge of our universe. On October 1, 1958, the National Aeronautics and Space Administration began operation. At the time it consisted of only about 8,000 employees and an annual budget of $100 million. Over the next 50 years, NASA and the Jet Propulsion Laboratory have been involved in many defining events occurred which have shaped the course of human history and demonstrated to the world the character of the people of the United States.

Many of us remember how inspired we were when on May 25, 1961, President John F. Kennedy proclaimed: "I believe this Nation should commit itself to achieving the goal, before this decade is out, of landing a man on the moon and returning him safely to earth. No single space project in this period will be more impressive to mankind, or more important for the long-range exploration of space; and none will be so difficult or expensive to accomplish. "The success of the United States space exploration program in the 20th Century augurs well for its continued leadership in the 21st Century. This success is largely attributable to the remarkable and indispensable partnership between the National Aeronautics, and Space Administration and its 10 space and research centers. One of these important research centers is located in my home city of Houston. The Johnson Space Center, which manages the development, testing, production, and delivery of all United States human spacecraft and all human spacecraft-related functions, is one of the crown jewels of the Houston area.

Today, NASA is the Nations' primary civil space and aeronautics research and development agency, and its current activities employ over 18,000 Americans. Today's legislation reaffirms the fundamental operating principles of NASA, emphasizes the importance of NASA leadership in a range of endeavors such as Earth observations and research, aeronautics reach and development, and an exploration program.

Always on the forefront of technological innovation, NASA has been home to countless "firsts" in the field of space exploration. America has, countless times, proven itself to be a leader in innovation, and many technologies that have become part of our everyday lives were developed by NASA scientists. The benefits of NASA's programming and innovation are felt far beyond scientific and academic spheres. Space technologies provide practical, tangible benefits to society, and NASA provides valuable opportunities to businesses in our community.

I strongly urge my colleagues to join me in support of this legislation, and in support of the future of American innovation and exploration.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. LAMPSON) that the House suspend the rules and agree to the resolution, H. Res. 1315.

The question was taken.

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

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

The yeas and nays were ordered.

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

FEDERAL OCEAN ACIDIFICATION RESEARCH AND MONITORING ACT OF 2008

Mr. BAIRD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4174) to establish an interagency committee to develop an ocean acidification research and monitoring plan and to establish an ocean acidification program within the National Oceanic and Atmospheric Administration, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4174

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Federal Ocean Acidification Research And Monitoring Act of 2008'' or the ''FOARAM Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.
Sec. 4. Interagency subcommittee.
Sec. 5. Strategic research plan.
Sec. 6. NOAA ocean acidification activities.
Sec. 7. NSF ocean acidification activities.
Sec. 8. NASA ocean acidification activities.
Sec. 9. Authorization of appropriations.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) The oceans help regulate atmospheric chemistry by acting as the largest sink for carbon dioxide.

(2) The rapid increase in atmospheric carbon dioxide is overwhelming the natural ability of the oceans to absorb this gas.

(3) The influx of carbon dioxide into the atmosphere and the subsequent absorption by the oceans is changing surface ocean carbon chemistry and lowering the pH. These changes in ocean chemistry are detrimental to organisms including corals, which support one of the richest habitats on Earth, marine shellfish, and many other organisms that form the base of the food chain for many fish and marine mammals.

(4) The rich biodiversity of marine organisms is an important contribution to the national economy and the change in ocean chemistry threatens tourism, our fisheries, and marine environmental quality, and could result in significant social and economic costs.

(5) Existing Federal programs support research in related ocean chemistry, but gaps in funding, coordination, and outreach have impeded national progress in addressing ocean acidification.

(6) National investment in a coordinated program of research and monitoring would improve the understanding of ocean acidification effects on whole ecosystems, advance our knowledge of the socioeconomic impacts of increased ocean acidification, and strengthen the ability of marine resource managers to assess and prepare for the harmful impacts of ocean acidification on our marine resources.

(b) PURPOSES.—The purposes of this Act are to provide for—

(1) development and coordination of a comprehensive interagency plan to—

(A) monitor and conduct research on the processes and consequences of ocean acidification on marine organisms and ecosystems; and

(B) establish an interagency research and monitoring program on ocean acidification;

(2) assessment and consideration of regional and national ecosystem and socioeconomic impacts of increased ocean acidification; and

(3) research on adaptation strategies and techniques for effectively conserving marine ecosystems as they cope with increased ocean acidification.

SEC. 3. DEFINITIONS.

In this Act:

(1) OCEAN ACIDIFICATION.—The term ''ocean acidification'' means the decrease in pH of the Earth's oceans and changes in ocean chemistry caused by chemical inputs from the atmosphere, including carbon dioxide.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.

(3) SUBCOMMITTEE.—The term ''Subcommittee'' means the Joint Subcommittee on Ocean Science and Technology of the National Science and Technology Council.

SEC. 4. INTERAGENCY SUBCOMMITTEE.

(a) DESIGNATION.—The Joint Subcommittee on Ocean Science and Technology of the National Science and Technology Council shall coordinate Federal activities on ocean acidification.

(b) DUTIES.—The Subcommittee shall—

(1) develop the strategic research and monitoring plan to guide Federal research on ocean acidification required under section 5 of this Act and oversee the implementation of the plan;

(2) oversee the development of—

(A) an assessment of the potential impacts of ocean acidification on marine organisms and marine ecosystems; and

(B) adaptation and mitigation strategies to conserve marine organisms and ecosystems exposed to ocean acidification;

(3) facilitate communication and outreach opportunities with nongovernmental organizations and members of the stakeholder community with interests in marine resources;

(4) coordinate the United States Federal research and monitoring program with research and monitoring programs and scientists from other nations; and

(5) establish or designate an Ocean Acidification Information Exchange to make information on ocean acidification developed through or utilized by the interagency ocean acidification program accessible through electronic means, including information which would be useful to policymakers, researchers, and other stakeholders in mitigating or adapting to the impacts of ocean acidification.

(c) REPORTS TO CONGRESS.—

(1) INITIAL REPORT.—Not later than 1 year after the date of enactment of this Act, the Subcommittee shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology and the Committee on Natural Resources of the House of Representatives that—

(A) includes a summary of federally funded ocean acidification research and monitoring activities, including the budget for each of these activities; and

(B) describes the progress in developing the plan required under section 5 of this Act.

(2) BIENNIAL REPORT.—Not later than 2 years after the delivery of the initial report

under paragraph (1) and every 2 years thereafter, the Subcommittee shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology and the Committee on Natural Resources of the House of Representatives that includes—

(A) a summary of federally funded ocean acidification research and monitoring activities, including the budget for each of these activities; and

(B) an analysis of the progress made toward achieving the goals and priorities for the interagency research plan developed by the Subcommittee under section 5.

(3) STRATEGIC RESEARCH PLAN.—Not later than 2 years after the date of enactment of this Act, the Subcommittee shall transmit the strategic research plan developed under section 5 to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology and the Committee on Natural Resources of the House of Representatives. A revised plan shall be submitted at least once every 5 years thereafter.

SEC. 5. STRATEGIC RESEARCH PLAN.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Subcommittee shall develop a strategic plan for Federal research and monitoring on ocean acidification that will provide for an assessment of the impacts of ocean acidification on marine organisms and marine ecosystems and the development of adaptation and mitigation strategies to conserve marine organisms and marine ecosystems. In developing the plan, the Subcommittee shall consider and use information, reports, and studies of ocean acidification that have identified research and monitoring needed to better understand ocean acidification and its potential impacts, and recommendations made by the National Academy of Sciences in the review of the plan required under subsection (d).

(b) CONTENTS OF THE PLAN.—The plan shall—

(1) establish, for the 10-year period beginning in the year the plan is submitted, the goals and priorities for Federal research and monitoring which will—

(A) advance understanding of ocean acidification and its physical, chemical, and biological impacts on marine organisms and marine ecosystems;

(B) improve the ability to assess the socioeconomic impacts of ocean acidification; and

(C) provide information for the development of adaptation and mitigation strategies to conserve marine organisms and marine ecosystems;

(2) describe specific activities, including—

(A) efforts to determine user needs;

(B) research activities;

(C) monitoring activities;

(D) technology and methods development;

(E) data collection;

(F) database development;

(G) modeling activities;

(H) assessment of ocean acidification impacts; and

(I) participation in international research efforts;

(3) identify relevant programs and activities of the Federal agencies that contribute to the interagency program directly and indirectly and set forth the role of each Federal agency in implementing the plan;

(4) consider and utilize, as appropriate, reports and studies conducted by Federal agencies, the National Research Council, or other entities;

(5) make recommendations for the coordination of the ocean acidification research and monitoring activities of the United States with such activities of other nations and international organizations;

(6) outline budget requirements for Federal ocean acidification research and monitoring and assessment activities to be conducted by each agency under the plan;

(7) identify the monitoring systems and sampling programs currently employed in collecting data relevant to ocean acidification and prioritize additional monitoring systems that may be needed to ensure adequate data collection and monitoring of ocean acidification and its impacts; and

(8) describe specific activities designed to facilitate outreach and data and information exchange with stakeholder communities.

(c) PROGRAM ELEMENTS.—The plan shall include at a minimum the following program elements:

(1) Monitoring of ocean chemistry and biological impacts associated with ocean acidification at selected coastal and open-ocean monitoring stations, including satellite-based monitoring to characterize—

(A) marine ecosystems;

(B) changes in marine productivity; and

(C) changes in surface ocean chemistry.

(2) Research to understand the species specific physiological response of marine organisms to ocean acidification, impacts on marine food webs of ocean acidification, and to develop environmental and ecological indices that track marine ecosystem responses to ocean acidification.

(3) Modeling to predict changes in the ocean carbon cycle as a function of carbon dioxide and atmosphere-induced changes in temperature, ocean circulation, biogeochemistry, ecosystem and terrestrial input, and modeling to determine impacts on marine ecosystems and individual marine organisms.

(4) Technology development and standardization of carbonate chemistry measurements on moorings and autonomous floats.

(5) Assessment of socioeconomic impacts of ocean acidification and development of adaptation and mitigation strategies to conserve marine organisms and marine ecosystems.

(d) NATIONAL ACADEMY OF SCIENCES EVALUATION.—The Secretary shall enter into an agreement with the National Academy of Sciences to review the plan.

(e) PUBLIC PARTICIPATION.—In developing the plan, the Subcommittee shall consult with representatives of academic, State, industry and environmental groups. Not later than 90 days before the plan, or any revision thereof, is submitted to the Congress, the plan shall be published in the Federal Register for a public comment period of not less than 60 days.

SEC. 6. NOAA OCEAN ACIDIFICATION ACTIVITIES.

The Secretary shall conduct research and monitoring activities and may establish a program on ocean acidification within the National Oceanic and Atmospheric Administration consistent with the strategic research plan developed by the Subcommittee under section 5 that—

(1) includes—

(A) interdisciplinary research among the ocean and atmospheric sciences, and coordinated research and activities to improve understanding of ocean acidification;

(B) the establishment of a long-term monitoring program of ocean acidification utilizing existing global and national ocean observing assets, and adding instrumentation and sampling stations as appropriate to the aims of the research program;

(C) research to identify and develop adaptation strategies and techniques for effectively conserving marine ecosystems as they cope with increased ocean acidification;

(D) as an integral part of the research programs described in this Act, educational opportunities that encourage an interdisciplinary and international approach to exploring the impacts of ocean acidification;

(E) as an integral part of the research programs described in this Act, national public outreach activities to improve the understanding of current scientific knowledge of ocean acidification and its impacts on marine resources; and

(F) coordination of ocean acidification monitoring and impacts research with other appropriate international ocean science bodies such as the International Oceanographic Commission, the International Council for the Exploration of the Sea, the North Pacific Marine Science Organization, and others;

(2) provides grants for critical research projects that explore the effects of ocean acidification on ecosystems and the socioeconomic impacts of increased ocean acidification that are relevant to the goals and priorities of the strategic research plan; and

(3) incorporates a competitive merit-based process for awarding grants that may be conducted jointly with other participating agencies or under the National Oceanographic Partnership Program under section 7901 of title 10, United States Code.

SEC. 7. NSF OCEAN ACIDIFICATION ACTIVITIES.

(a) RESEARCH ACTIVITIES.—The Director of the National Science Foundation shall continue to carry out research activities on ocean acidification which shall support competitive, merit-based, peer-reviewed proposals for research and monitoring of ocean acidification and its impacts, including—

(1) impacts on marine organisms and marine ecosystems;

(2) impacts on ocean, coastal, and estuarine biogeochemistry; and

(3) the development of methodologies and technologies to evaluate ocean acidification and its impacts.

(b) CONSISTENCY.—The research activities shall be consistent with the strategic research plan developed by the Subcommittee under section 5.

(c) COORDINATION.—The Director shall encourage coordination of the Foundation's ocean acidification activities with such activities of other nations and international organizations.

SEC. 8. NASA OCEAN ACIDIFICATION ACTIVITIES.

(a) OCEAN ACIDIFICATION ACTIVITIES.—The Administrator of the National Aeronautics and Space Administration, in coordination with other relevant agencies, shall ensure that space-based monitoring assets are used in as productive a manner as possible for monitoring of ocean acidification and its impacts.

(b) PROGRAM CONSISTENCY.—The Administrator shall ensure that the Agency's research and monitoring activities on ocean acidification are carried out in a manner consistent with the strategic research plan developed by the Subcommittee under section 5.

(c) COORDINATION.—The Administrator shall encourage coordination of the Agency's ocean acidification activities with such activities of other nations and international organizations.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) NOAA.—There are authorized to be appropriated to the National Oceanic and Atmospheric Administration to carry out the purposes of this Act—

(1) $8,000,000 for fiscal year 2009;

(2) $12,000,000 for fiscal year 2010;

(3) $15,000,000 for fiscal year 2011; and

(4) $20,000,000 for fiscal year 2012.

(b) NSF.—There are authorized to be appropriated to the National Science Foundation to carry out the purposes of this Act—

(1) $6,000,000 for fiscal year 2009;

(2) $8,000,000 for fiscal year 2010;

(3) $12,000,000 for fiscal year 2011; and
(4) $15,000,000 for fiscal year 2012.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. BAIRD) and the gentleman from Florida (Mr. FEENEY) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. BAIRD. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 4174, the bill now under consideration.

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

There was no objection.

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

Mr. Speaker, I would like to begin by complimenting my dear friend, Mr. ALLEN, and Mr. GILCHREST, as well as Mr. INSLEE, and particularly Mr. INGLIS, who worked so closely with me on the manager's amendment to this bill.

We have an enormous problem facing this world, and it is often neglected. This bill addresses that.

On Monday, I had the privilege of being in Fort Lauderdale at the International Society for Reef Studies, their coral reef symposium, which happens every 4 years. Based on reports there and recent studies published in Science and other leading journals, it is clear that although ocean acidification is not often talked about, it may well be a challenge as great or perhaps even greater as climate change.

Approximately one-half of the carbon dioxide released by burning fossil fuels has been absorbed by the oceans. The good news is that this absorption has helped reduce and delay the impact of global warming. The bad news, however, is that the absorption of atmospheric carbon dioxide has caused and will continue to cause changes in ocean chemistry.

The disruption in ocean chemistry causes the pH to decrease and results in a phenomenon identified as ocean acidification. According to the National Oceanic and Atmospheric Administration, ocean hydrogen ion concentration, a measure of acidity, has increased 30 percent since industrialization. Studies have projected that by the end of the century, carbon dioxide emission scenarios could result in the lowest levels of ocean pH in 20 million years.

The potential impacts of acidification are diverse and far-reaching. These impacts include adverse effects on marine ecosystems, food webs for many fish and marine mammals, and the economies of many coastal States that rely upon the seafood industry and coastal and ocean tourism.

Increasing acidity and changes in ocean chemistry are also corrosive to corals and shell-forming plankton, a major food source for baleen whales and commercially important fish species such as salmon, mackerel, herring, cod and others.

Some studies have also suggested that ocean acidification could be detrimental to shellfish, including scallops, clams, oysters and lobsters. Evidence shows that calcification rates will decrease and carbon dissolution rates will increase for these calcifying organisms leaving them unable to compete ecologically, perhaps even threatening them to the point of extinction.

Shallow water corals face similar threats due to decreased ocean rates and increased shell corrosion. Corals comprise some of the richest habitats on Earth. According to NOAA, about 4,000 species of fish, including approximately half of all federally managed fisheries, depend on coral reefs and their related habitat for a portion of their life cycles.

Juvenile fish may face physiological challenges, including respiratory stress and acidosis associated with increased acidification. Deep sea corals and other animals are also threatened by changes in chemistry, and may find parts of the deep ocean uninhabitable by the end of the century.

We must do more to assess this grave problem. There is significant uncertainty as to the rate and magnitude of change that will occur, but national investment in a coordinated program of research and monitoring could improve the understanding of ecosystem responses, assess socioeconomic impacts due to increasing acidification, and provide resource managers the information they need to develop strategies and protect these critical species.

That's why I have joined Representatives ALLEN, INSLEE, and others, in introducing the Federal Ocean Acidification Research and Monitoring Act. This bill establishes an interagency program through the Joint Subcommittee on Ocean Science and Technology of the National Science and Technology Council to develop and coordinate a comprehensive plan to better understand and address the impacts of acidification, to provide for assessment of ecosystem and socioeconomic impact of ocean acidification, and to provide for research on adaptation strategies to conserve marine resources. It also directs NOAA, the National Science Foundation, and NASA to conduct research and monitoring activities on ocean acidification consistent with the strategic plan developed by the subcommittee.

I want to thank the researchers who have led the way on this important topic, also my fellow sponsors for their important work, and particularly Chairman GORDON and the other members of the Science and Technology Committee for moving this bill and getting it to the floor.

Finally, I want to thank the Science Committee staff, including Jean Fruci, Shimere Williams on the majority staff, and my own staff member, Hillary Cain.

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

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

Mr. Speaker, since the beginning of the industrial revolution, the oceans have been the largest sink of increased carbon dioxide in the atmosphere. This is a valuable natural function. When the oceans absorb carbon dioxide, it lowers the pH of the water. Although the increased acidity of the oceans to date has not been significant, many in the ocean science community are concerned about the rate of change that they have witnessed.

H.R. 4174 organizes Federal activities on ocean acidification research. It is intended to provide a blueprint for research and monitoring efforts at the Federal level, and encourage international cooperation for a global problem.

We have an obligation to ourselves and to future generations to make informed decisions on something as serious as the health and welfare of our oceans, but at this point, we do not know enough to make those decisions. We do not know how much the ocean's chemistry is going to change, how fast it will change, or what the impacts of this change will be on marine life or the health of marine ecosystems. We also do not know how all of this will affect mankind's reliance on the ocean for food, for industry, and for energy resources. How can we possibly engage in serious discussions about mitigation and adoption strategies if we do not know these important things?

Passing the Federal Ocean Acidification Research and Monitoring Act is the first step we need to take to collect this vital information. The legislation directs the Joint Subcommittee on Ocean Science and Technology, or JSOST, to coordinate all Federal research and monitoring activities. The subcommittee is co-chaired by the National Oceanic and Atmospheric Administration, NOAA, the National Science Foundation, NSF, and the Office of Science and Technology Policy in the White House. These are the three agencies that should be most involved in ocean acidification research.

This bill requires JSOST to develop a strategic research plan with an eye toward being able to produce useable products to the fishing industry, the energy industry, policy makers, and other shareholders at some point in the future. This strategic plan is not meant to reinvent the wheel. It should be based on several research road maps that have already been developed by other institutions.

The legislation authorizes NOAA to continue its ocean acidification research and monitoring activities as long as such activities are consistent with the strategic research plan. It also authorizes funding for NSF to provide research grants for ocean acidification. And it directs NASA to focus resources on ocean acidification monitoring in future Earth observation missions.

Most importantly, H.R. 4174 requires that JSOST and NOAA coordinate U.S.

ocean acidification research and monitoring efforts with those in the international community. Many countries are currently in the same place as we are, organizing their research efforts and laying out road maps for the future. Just last month, the European Union launched the European Ocean Acidification Project, an initiative to investigate ocean acidification and its consequences.

The U.S. should not have to bear the full and sole burden for global environmental problems. International cooperation ensures that resources and funding are distributed among many nations so that all may benefit from the increase in understanding of ocean acidification.

I urge all of my colleagues to support H.R. 4174.

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

Mr. BAIRD. Mr. Speaker, I want to particularly compliment the Chair of the Resources Committee, Chairman RAHALL, for his collaboration on this. At this point I would like to place in the RECORD letters exchanged between the Resources Committee and the Science Committee.

HOUSE OF REPRESENTATIVES, COMMITTEE ON NATURAL RESOURCES,
Washington, DC, July 7,2008.

Hon. BART GORDON,
Chairman, Committee on Science and Technology, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for the opportunity to work with you on H.R. 4174, the Federal Ocean Acidification Research and Monitoring Act of 2008, concerning provisions regarding the establishment and maintenance of an ocean acidification program which are within the jurisdiction of the Committee on Natural Resources.

Because of the continued cooperation and consideration that you have afforded me and my staff in developing these provisions, I will not seek a sequential referral of H.R. 4174. Of course, this waiver is not intended to prejudice any future jurisdictional claims over these provisions or similar language. I also reserve the right to seek to have conferees named from the Committee on Natural Resources on these provisions, and request your support if such a request is made.

Please place this letter into the committee report on H.R. 4174 and into the Congressional Record during consideration of the measure on the House floor.

With warm regards, I am,

Sincerely,

NICK J. RAHALL II,
Chairman, Committee on Natural Resources.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE AND TECHNOLOGY,
Washington, DC, July 8, 2008.

Hon. NICK J. RAHALL II,
Chairman, Committee on Natural Resources, House of Representatives, Washington, DC

DEAR CHAIRMAN RAHALL: Thank you for working with me to allow floor consideration of H.R. 4174, the Federal Ocean Acidification Research and Monitoring Act of 2008, to proceed.

I appreciate your willingness to waive your Committee's right to a referral of H.R. 4174, and acknowledge that this waiver does not prejudice any further jurisdictional claims by your Committee over this legislation or similar language. Furthermore, I agree to support your request for appointment of conferees from the Committee on Natural Resources if a conference is held on this matter.

A copy of this letter and your response will be placed in the Committee report on H.R. 4174 and in the Congressional Record during consideration of the bill on the House floor.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

BART GORDON,
Chairman.

Mr. Speaker, I yield 4 minutes to the lead sponsor of this legislation and a tireless and effective advocate for all things related to the ocean's health, Representative ALLEN from Maine.

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding and for his outstanding leadership on this important issue.

I also rise to urge passage of my bill, H.R. 4174, the Federal Ocean Acidification Research and Monitoring Act.

I want to commend Chairman GORDON and Chairman LAMPSON of the Science and Technology Committee for their leadership and foresight in supporting this legislation to give us the tools we need to manage and protect our marine resources and coastal communities.

I also want to thank Mr. HALL and Mr. INGLIS for their support on this bipartisan legislation. And also, once again, I want to thank Mr. INSLEE and Mr. BAIRD for their leadership.

Finally, I guess I should say a special thank you to Ellen Bolen on my staff, my now Sea Grant fellow who has worked so hard on this particular bill.

My legislation establishes a comprehensive, interagency program to conduct research on the processes and consequences of ocean acidification due to global climate change.

Ocean acidification has the potential to profoundly change our ocean ecosystems and may seriously and negatively affect commercial and recreational fisheries, tourism, agriculture, and many other ocean-related industries.

The impact of global climate change is nowhere more apparent than in our oceans. Icecaps are melting and coral reefs are dying. Approximately one-third of the carbon dioxide released by the burning of fossil fuels ends up in the oceans, altering ocean surface carbon chemistry. Acidic conditions can impede shell formation in important marine shellfish species, and are harmful to many organisms, from corals to shellfish to plankton, that are essential to the food chain for many larger fish and marine mammals.

Research by scientists at St. Joseph's College in Standish, Maine, has revealed that ocean acidification due to climate change may substantially increase the mortality of young clams, threatening a $16 million industry and the livelihoods of 1,800 commercial clam diggers in Maine alone.

□ 1300

Three decades ago, when acid deposition threatened Maine's lakes, we documented the harm and devised a legislative response through monitoring and research. My legislation will provide similar tools to respond to ocean acidification. To protect future generations, we must understand the consequences that ocean acidification could have on our natural resources and coastal economies so that we can mitigate and adapt to those consequences.

The Federal Ocean Acidification Research and Monitoring Act will direct and fund key research to examine the effects that climate change is having on our oceans and on our fisheries. I urge my colleagues to support this measure.

Mr. FEENEY. Mr. Speaker, I am proud to yield 5 minutes to my friend the gentleman from South Carolina (Mr. INGLIS).

Mr. INGLIS of South Carolina. I thank the gentleman for yielding.

Mr. Speaker, I'm not a scientist, but I play one occasionally at the Science Committee. And the good news is we have got some scientists at the Science Committee, great staff members and Members of Congress, like Dr. BAIRD, who is one of my tutors on this issue of ocean acidification.

Recently in a trip to the Galapagos, we had an opportunity to hear from Dr. Julian Sachs, who, along with Dr. BAIRD's tutelage, was able to explain to me finally why it is that the carbon sink of the oceans is going to create a problem for life in the oceans. And it has to do with that science experiment we did in high school with putting the egg in the vinegar, and a couple of days later, you come back and there's no shell on the egg. Well, that's the challenge. As carbon is absorbed into the ocean by higher CO_2 levels in the atmosphere entering in the ocean, driving down the pH, making the ocean more acidic, you end up with that scenario where the calcium-based shells of the organisms begin to dissolve.

The big challenge is the phytoplankton part of the food chain. That dissolves. It's a terrible thing to open up a hole at the bottom of the food chain. Not so bad if you're at the top of the food chain, but if you're at the bottom of the food chain, it's a terrible thing to open a hole, especially when a billion people around the world depend upon the ocean for sustenance.

So what all that means is this is a serious matter and something worth our spending time and effort and money on to research. So I am very happy to support this bill.

I am also very excited about an aspect of the bill that has been mentioned by several speakers already. That is the international cooperation that's called for in the bill. On another trip with Dr. BAIRD to Antarctica and then Australia, we saw a wonderful example of this with the NOAA's Coral Reef Watch Project, where we actually have NOAA employing two Australians who are doing work for NOAA in Australia, coordinating with the Great

Barrier Reef folks. And the result is America is there lending a hand and cooperating, improving not only the science that we generate but also my other committee, Foreign Affairs, better foreign policy outcomes; that we are showing ourselves to be a friend to the Australians, trying to preserve the Great Barrier Reef, which is obviously very important to people on the eastern shore of Australia.

So the international aspects of this may be reason enough to support the bill. But for all of the above reasons, I am very happy to support the bill and urge my colleagues to support it, and hopefully we will have this cooperation, find some breakthroughs in the science, and then figure out ways to apply those solutions to begin solving the problem.

Mr. BAIRD. Mr. Speaker, I want to thank the gentleman from South Carolina for his input and involvement and for his genuine interest in this. It has been a privilege to travel with him, and we actually had the opportunity to meet with some of the world's leading scientists on this, and I know Mr. INGLIS has maintained that dialogue ever since those journeys, and those scientists send their regards. I met with them just 2 days ago, in fact.

Mr. Speaker, I want to now acknowledge a dear friend from Washington who has been a leader not only in the Congress but in the world on the issue of renewable energy and climate change. This issue of acidification took particular relevance off our own Pacific Northwest coast about 2 months ago when NOAA published studies suggesting that the rate of acidification is much more rapid and much closer to our shores than they had ever anticipated, and it is deeply concerning. JAY INSLEE has been a champion of responsible energy policies.

Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

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

Mr. INSLEE. Mr. Speaker, ocean acidification is both the most disturbing and potentially the most unifying issue involving carbon dioxide and climate change. It is the most disturbing because nothing that I have heard in the last couple of years about this phenomenon disproves the point of that old saying from the 1960s that was in an old commercial ''It's not nice to fool with Mother Nature.'' And we have found that when we put one-third of all the carbon dioxide coming out of our tailpipes and our coal plants, that that has made the oceans, just since the industrial revolution, 30 percent more acidic, and all the time the world has been around, it is 30 percent more acidic just during the time we've been burning coal and oil.

The results of that are not hypothetical. We had testimony in Seattle from biologists and oceanographers a couple months ago that said they actually put a shell into water that was as acidic as it could be in the next century and a half and you could see it literally melt. You are looking at literally melting of any living stuff in the oceans that form a calcium carbonate material, including the phytoplankton that is 40 percent of the bottom of the food chain, in the next century or two if we don't change course. That's why it's disturbing.

But here is why it's unifying: It's unifying because while we have had some debates about the climatic effects about global warming and CO_2, there is no debate about ocean acidification. We could spent the next century arguing about the precise climatic effects of CO_2, but there is no debate that we are making the oceans unfit for life that God himself or herself designed on the planet Earth. And that is what we are doing. And I am hopeful that that can be a unifying idea in this Congress so that we can start to develop a clean energy future for the country and the world that can preserve the oceans for living species that we depend on as well as the rest of the world.

So it is disturbing now. Hopefully, it will be unifying when we get together and really do an Apollo new energy project and save the oceans for what they were designed for, which is life on this planet.

Mr. FEENEY. I want to thank the gentleman from Washington and the others that worked on this bill.

Our oceans are the property of all humanity, and we want to do everything we can to understand them and preserve them.

With that I would urge the passage of this bill.

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

Mr. BAIRD. I thank the gentleman from Florida for his support. I also want to acknowledge the leadership of Mr. LAMPSON from Texas and Mr. HALL and their support of this as well.

Let me close with this, and it takes off from something that Mr. INSLEE said a moment ago. We can debate the temperature changes. I think the evidence is compelling from the IPCC report. But ocean acidification is something you can demonstrate in a lab. You can introduce CO_2 into the air, above water. The water will take up the CO_2. That will make the water more acidic. The more acidic water will reduce the availability of calcium carbonate and other minerals. And then, as Mr. INSLEE described, and as laboratory scientists are doing throughout the world in Australia and Israel and Jordan and off our own Florida coast, you can take these organisms, put them in this more acidic water, and you will see their growth be retarded. You will see their mortality rates increase. And, importantly, when you combine higher acidification levels with increased temperature, the mortality grows dramatically up. We are effectively killing the oceans and then possibly killing ourselves.

I am speaking on behalf of two little boys, William and Walter, my own sons, whom some of you know. They stop by here from time to time. They're 3½. I would like them to enjoy the oceans the way we have. I would like them to see the magnificent species that we now enjoy. I do not want to bequeath to those young boys or to anyone's children or grandchildren a world bereft of the coral reefs and the many species they depend on.

So with that I urge passage of this legislation and would urge that we vigorously endeavor to reduce the factors that are contributing to this dangerous problem. I urge a ''yes'' vote.

Mr. FARR. Mr. Speaker, I rise in support of H.R. 4174, the Federal Ocean Acidification Research and Monitoring Act of 2007 authored by my friend and fellow co-chair of the House Oceans Caucus Representative ALLEN.

Since the industrial revolution, the human species has begun a dangerous experiment with our planet. Humans have become, according to Alan Weisman, a volcano that has been erupting continuously for 150 years. We have taken tons of carbon from the earth and put it up in the atmosphere. It is now clear that the increase in atmospheric CO_2 is causing drastic and rapid changes in ocean chemistry.

The ocean has no choice but to absorb the increase in CO_2, in fact, the ocean will continue to absorb CO_2 long after we reduce our output. Recent research from a study led by Dr. Feeley, a NOAA scientist, has found that ocean waters from the 1950s were much more acidic than expected. We do not know the outcome of our global experiment, but we know that it will change the chemistry of the ocean.

Many fisheries off of our coasts are already collapsing. We do not know how this increase in acidity will affect these collapsing populations or the fisheries that are currently healthy. An increase in ocean acidity will dissolve the shell of the endangered black abalone of the California coast. We know that corals, already under stress from the increased ocean temperature will have their skeleton dissolved by a more acidic ocean.

We must have more research to discover how this unprecedented change will affect shellfish, corals, and the food chain that fish, and mammals, including humans, that depend on the ocean. We must create collaboration between the federal agencies who manage and study the ocean to address this problem. This bill will provide funding for research and collaboration between researcH and management agencies necessary to address this serious problem.

Mr. Speaker, I cannot emphasize enough the need to show our ocean stewardship now, so we can turn the tide on the dire consequences facing our oceans and Great Lakes. The oceans and the Great Lakes belong to all the people of the United States and it is our duty to understand the implications of our actions on them. I strongly support the Federal Ocean Acidification Research and Monitoring Act and I urge my colleagues to help understand and protect our shared ocean.

Ms. BORDALLO. Mr. Speaker, I rise in support of H.R. 4174, the Federal Ocean Acidification Research and Monitoring Act. I commend our colleagues on the Science Committee for bringing forward this important legislation to enhance our understanding of this

phenomena, which is changing the very chemistry of the world's oceans.

Ocean acidification, which is caused by increased atmospheric carbon dioxide, can negatively affect a range of organisms, from corals, to shellfish and plankton. These organisms and their habitats form the base of the food chain for many marine fish and mammal species. If not mitigated, ocean acidification could, therefore, have a cascading negative effect on important commercial fisheries, tourism and recreation, and other ocean-related industries.

The damage that ocean acidification could cause to our coastal economic and cultural livelihoods is alarming. Those who rely on oceanic resources for their food or their livelihood, as many of my constituents on Guam do, are already contending with the negative after-affects caused by coastal habitat degradation; overfishing; illegal, unregulated, and unreported fishing; and the worldwide decline of healthy coral reefs. We need to learn now everything we can about the dynamics, extent and implications of ocean acidification if we hope to be able to develop successful strategies to cope with this global threat.

I strongly support this legislation that would establish a comprehensive, interagency committee to coordinate and expand federal research on ocean acidification and marine ecosystems.

Mr. Speaker, I commend our colleague from Maine, Mr. ALLEN, for introducing this legislation and for his leadership on ocean issues. I also commend the gentleman from Texas, Mr. LAMPSON, the Chairman of the Subcommittee on Energy and Environment, and the Ranking Member, Mr. INGLIS, for advancing H.R. 41–74 through the Committee on Science and Technology. I thank them and Chairman GORDON for working with Chairman RAHALL of the Committee on Natural Resources to address matters of mutual interest and shared jurisdiction with regard to the bill. I urge my colleagues to support passage of H.R. 4174.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. BAIRD) that the House suspend the rules and pass the bill, H.R. 4174, 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.

COMMUNITY BUILDING CODE ADMINISTRATION GRANT ACT OF 2008

Mr. MOORE of Kansas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4461) to promote and enhance the operation of local building code enforcement administration across the country by establishing a competitive Federal matching grant program, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4461

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 ''Community Building Code Administration Grant Act of 2008''.

SEC. 2. GRANT PROGRAM AUTHORIZED.

(a) GRANT AUTHORIZATION.—The Secretary of Housing and Urban Development shall provide grants to local building code enforcement departments.

(b) COMPETITIVE AWARDS.—The Secretary shall award grants under subsection (a) on a competitive basis pursuant to the criteria set forth in section 6, but also taking into consideration the following:

(1) The financial need of each building code enforcement department.

(2) The benefit to the local jurisdiction of having an adequately funded building code enforcement department.

(3) The demonstrated ability of each building code enforcement department to work cooperatively with other local code enforcement offices, health departments, and local prosecutorial agencies.

(c) MAXIMUM AMOUNT.—The maximum amount of any grant awarded under this section shall not exceed $1,000,000.

SEC. 3. REQUIRED ELEMENTS IN GRANT PROPOSALS.

In order to be eligible for a grant under section 2, a local building code enforcement department shall submit to the Secretary the following:

(1) A demonstration of the jurisdiction's needs in executing building code enforcement administration.

(2) A plan for the use of any funds received under this Act that addresses the needs discussed in paragraph (1) and that is consistent with the authorized uses established in section 4.

(3) A plan for local governmental actions to be taken to establish and sustain local building code enforcement administration functions, without continuing Federal support, at a level at least equivalent to that proposed in the grant application.

(4) A plan to create and maintain a program of public outreach that includes a regularly updated and readily accessible means of public communication, interaction, and reporting regarding the services and work of the local building code enforcement department to be supported by the grant.

(5) A plan for ensuring the timely and effective administrative enforcement of building safety and fire prevention violations.

SEC. 4. USE OF FUNDS; MATCHING FUNDS.

(a) AUTHORIZED USES.—Grants awarded under section 2 may be used by the grant recipient to supplement existing State or local funding for building code enforcement administration. Such funds may be used to increase staffing, provide staff training, increase staff competence and professional qualifications, support individual certification or departmental accreditation, or for capital expenditures specifically dedicated to the administration of the local building code enforcement department.

(b) ADDITIONAL REQUIREMENT.—Each local building code enforcement department receiving a grant under section 2 shall empanel a code administration and enforcement team consisting of at least 1 full-time building code enforcement officer, a city planner, and a health planner or similar officer.

(c) MATCHING FUNDS REQUIRED.—

(1) IN GENERAL.—To be eligible to receive a grant under this Act, a local building code enforcement department serving an area with a population of—

(A) over 50,000 shall provide matching, non-Federal funds in an amount equal to not less than 50 percent of the total amount of any grant to be awarded under this Act;

(B) between 20,001 and 50,000 shall provide matching, non-Federal funds in an amount equal to not less than 25 percent of the total amount of any grant to be awarded under this Act; or

(C) under 20,000 shall provide matching, non-Federal funds in an amount equal to not less than 12.5 percent of the total amount of any grant to be awarded under this Act.

(2) ECONOMIC DISTRESS.—

(A) IN GENERAL.—The Secretary may waive the matching fund requirements under paragraph (1), and institute, by regulation, new matching fund requirements based upon the level of economic distress of the local jurisdiction in which the local building code enforcement department seeking such grant is located.

(B) CONTENT OF REGULATIONS.—Any regulations instituted under subparagraph (A) shall include—

(i) a method that allows for a comparison of the degree of economic distress among the local jurisdiction's of grant applicants, as measured by the differences in the extent of growth lag, the extent of poverty, and the adjusted age of housing in such jurisdiction; and

(ii) any other factor determined to be relevant by the Secretary in assessing the comparative degree of economic distress among such local jurisdictions.

(d) IN-KIND CONTRIBUTIONS.—In determining the non-Federal share required to be provided under subsection (c), the Secretary shall consider in-kind contributions, not to exceed 50 percent of the amount that the department contributes in non-Federal funds.

(e) WAIVER OF MATCHING REQUIREMENT.—The Secretary shall waive the matching fund requirements under subsection (c) for any recipient jurisdiction that has legislatively dedicated all building code permitting fees to the conduct of local building code enforcement.

SEC. 5. RATING AND RANKING OF APPLICATIONS.

Eligible applications will be rated and ranked according to the criteria described in section 6. All complete applications will be compared to one another and points assigned on a continuum within each criteria with the maximum points awarded to the application that best meets the criteria.

SEC. 6. CRITERIA.

(a) NEED AND COMMUNITY BENEFIT FROM CODE ENFORCEMENT GRANT FUNDS.—The degree to which the application demonstrates the intent and means to ensure cooperative and effective working relationships between local building code enforcement officials and other local agencies, as well as a community-oriented approach to building code enforcement.

Description	Maximum Points
A detailed description of the capital expenditures to be acquired with grant funds and a demonstration that the items' costs are reasonable.	0–10
The jurisdiction's need for the capital expenditure and how the grant funds will fulfill this need.	0–10
The joint benefits provided by the proposed expenditure for the following groups or activities. Provide a brief explanation of the benefit. (1 point will be awarded for each response, 5 points maximum). 1. Code enforcement program. 2. Community or jurisdiction. 3. Interdisciplinary code enforcement team. 4. Housing preservation, rehabilitation programs, or neighborhood improvement programs. 5. Special needs groups (disabled, elderly or low or very-low income, etc.).	0–5
Does the proposed capital expenditure provide a cost savings benefit to the jurisdiction? Provide a brief explanation of the cost savings.	0–5

(b) CURRENT CODE ENFORCEMENT AND HOUSING CONSERVATION PLAN.—Has the local legislative body in which the applicant resides adopted a ''plan'' which addresses residential structure conservation and building code enforcement? From the following list, select 1 description that best reflects such jurisdiction's ''plan'' for building code enforcement activities. Points will be awarded as follows:

Description	Maximum Points
The plan provides for proactive code enforcement (not just responding to complaints), an interdisciplinary approach, and includes funding options for repairs and rehabilitation.	10
The plan only provides for proactive code enforcement (not just responding to complaints) and calls for an interdisciplinary approach and does not address funding options for repairs and rehabilitation.	8
The plan provides for some type of proactive code enforcement (other than just responding to complaints) but doesn't address coordinated interdisciplinary activities with other local public agencies or funding options.	6
The plan provides for only reactive code enforcement.	4
The plan only refers to a need to preserve and/or improve existing housing stock, without any code enforcement program.	2
No existing plan.	0

(c) COMMUNITY-ORIENTED OR INTERDISCIPLINARY CODE ENFORCEMENT.—The degree to which the application demonstrates the intent and means to ensure cooperative and effective working relationships between building code enforcement officials and other local agencies, as well as a community-oriented approach to code enforcement.

Description	Maximum Points
Identify current or proposed interdisciplinary code enforcement programs or activities and the team members (example: code enforcement, police, local prosecutors, health department, building and planning, fire, etc.). Provide a description of the team's code enforcement and coordination procedures, activities and services provided. If the current programs or resources are limited in scope, explain how receipt of the grant will be used to improve the program.	0–10
Identify current or proposed community-oriented code enforcement programs, activities or services. (Examples: community clean-ups, Neighborhood Watch programs, community meetings, door-to-door code enforcement knock and talks, etc.). If the current programs or resources are limited in scope, explain how receipt of the grant will be used to improve the program.	0–10

(d) PROACTIVE CODE ENFORCEMENT ACTIVITIES.—The effectiveness of the proposed or existing proactive activities and programs operated by any existing building code enforcement program. Describe such activities or programs, include any of the following:

Description	Maximum Points
Encourages repairs and preservation, rather than demolition or abandonment, of substandard residences.	0–5
Abatement of (a) lead hazards and lead-based paints, (b) toxic molds and dampness, and (c) displacement or relocation of residents.	0–5
Community clean-up campaigns. This may include recycling dates, free or reduced disposal rates at dumpsite, public clean-up days that encourage removal of unwanted or excess debris by making available extra trash pick-ups, dumpsites or trash/recycling containers on specific dates to dispose of household debris, inoperable vehicles, tires, toxic materials, etc.	0–5
Resource or referral programs for Federal, State, local, and private funds and other resources available in your jurisdiction that can assist with housing rehabilitation and repairs to rectify code violations.	0–5
Public education programs on housing issues. These could include community housing meetings dealing with homeownership, tenant/landlord issues, housing code enforcement, school age children's programs with coloring books or handouts, housing safety pamphlets, etc.	0–5

Description	Maximum Points
Programs that encourage community involvement with groups; such as schools, church non-profits, community service groups, utility companies, local stores, housing agency banks, etc.	0–5.

(e) CAPACITY TO FINANCIALLY AND TECHNICALLY SUPPORT PROPOSED CAPITAL EXPENDITURES.—The degree to which the application demonstrates the jurisdiction's financial and technical capacity to properly use and successfully support the proposed capital expenditure during the term of the grant.

Description	Maximum Points
The anticipated ongoing program funding for the duration of the grant program is adequate to financially support the use of the grant-financed equipment. Include details of funding and technical support sources for the capital expenditure (examples: insurance, paper, maintenance, training, supplies, personnel, monthly billing costs, etc.).	0–5
The jurisdiction has the technical capabilities to use and support equipment (examples: adequately trained staff or resources to provide training to operate technical equipment, local service provider for cell phones or 2-way radios, trained personnel to operate equipment, etc.).	0–5

SEC. 7. EVALUATION AND REPORT.

(a) IN GENERAL.—Grant recipients shall—

(1) be obligated to fully account and report for the use of all grants funds; and

(2) provide a report to the Secretary on the effectiveness of the program undertaken by the grantee and any other criteria requested by the Secretary for the purpose of indicating the effectiveness of, and ideas for, refinement of the grant program.

(b) REPORT.—The report required under subsection (a)(2) shall include a discussion of—

(1) the specific capabilities and functions in local building code enforcement administration that were addressed using funds received under this Act;

(2) the lessons learned in carrying out the plans supported by the grant; and

(3) the manner in which the programs supported by the grant are to be maintained by the grantee.

(c) CONTENT OF REPORTS.—The Secretary shall—

(1) require each recipient of a grant under ths Act to file interim and final reports under subsection (b) to ensure that grant funds are being used as intended and to measure the effectiveness and benefits of the grant program; and

(2) develop and maintain a means whereby the public can access such reports, at no cost, via the Internet.

SEC. 8. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) BUILDING CODE ENFORCEMENT DEPARTMENT.—The term ''building code enforcement department'' means the building code inspection or enforcement agency of a local jurisdiction.

(2) JURISDICTION.—The term ''jurisdiction'' means a city, county, parish, city and county authority, or city and parish authority having local authority to enforce building codes and regulations and collect fees for building permits.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated $20,000,000 for each of fiscal years 2009 through 2013 to the Secretary of Housing and Urban Development to carry out the provisions of this Act.

(b) RESERVATION.—From the amount made available under subsection (a), the Secretary may reserve not more than 5 percent for administrative costs.

(c) AVAILABILITY.—Any funds appropriated pursuant to subsection (a) shall remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kansas (Mr. MOORE) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 20 minutes.

The Chair recognizes the gentleman from Kansas.

GENERAL LEAVE

Mr. MOORE of Kansas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material.

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

There was no objection.

Mr. MOORE of Kansas. Mr. Speaker, I yield myself such time as I may consume.

Today I ask for the House support in passing H.R. 4461, the Community Building Codes and Administration Grant Act.

This legislation, which was approved by voice vote in the Financial Services Committee and enjoys bipartisan support in the House, will provide Federal assistance to the development of local building codes.

Responsible building is essential to reduce vulnerability to future hazards. According to a study conducted in 2005 by the National Institute of Building Sciences, for every dollar spent on mitigation at the Federal level, the American taxpayer saves approximately $4 in disaster assistance.

State and local building codes assure that new homes comply with safety standards. Acquiring the skills and knowledge to become a code inspector is a time-consuming process, though. And paying for personnel to conduct inspections and enforce codes that are on the books consumes scarce financial resources at the local level. While there are no dedicated Federal funds for building code administration, Community Development Block Grant funds have been used for this purpose in the past along with administrative allowances from FEMA's three mitigation programs: Hazard Mitigation, Pre-Disaster Mitigation, and Flood Mitigation. But competition for these funds is intense, and infrastructure projects typically receive preference over building code enforcement.

For these reasons, Mr. Speaker, States must fund these activities without Federal assistance, relying often on building permit fees and sometimes general funding to operate offices that are overworked and understaffed. This means that codes on the books cannot be enforced, leaving communities more vulnerable and driving up insurance premiums in those areas.

To address this issue, H.R. 4461 establishes a competitive national program that provides awards to local governments for building code administration and enforcement. The Community Building Code Administration Grant Program will not infringe upon local and State authority to enact and enforce building codes. It simply provides sorely-needed funding for them to do so.

Specifically, the bill includes a 5-year sunset on the program, authorizes $100 million over that period to execute it, caps awards at $1 million per recipient, requires recipients to match a portion of funds received, and outlines eligible uses of funds and selection criteria with preference offered to governments in financial distress.

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Additionally, each grant proposal must contain a plan for local governmental actions to be taken to establish and sustain local building code enforcement administration functions, without continuing Federal support, at a level at least equivalent to that proposed in the grant application.

This legislation will help ensure the safety of buildings across the country and ultimately will reduce the cost to the American taxpayers after a disaster. I look forward to passage of this legislation.

I reserve the balance of my time and I want to thank also my colleague from West Virginia.

Mrs. CAPITO. Mr. Speaker, today I rise in support of H.R. 4461, the Community Building Code Administration Act, authored by the gentleman from Kansas (Mr. MOORE). Under current law, there are no dedicated Federal funds for building code administration. Funds from development or hazard mitigation programs have been used

for this purpose in the past. The competition for these funds is intense, and infrastructure projects generally receive preference over building code enforcement. States and local jurisdictions fund local building code enforcement departments without Federal assistance.

The legislation offered by Mr. MOORE requires the Secretary of HUD to award grants on a competitive basis and with Federal matching funds to qualified local building code enforcement departments. The grants can be used to increase staffing, provide staff training, increase staff competence and professional qualifications, support individual certification or departmental accreditation, or for capital expenditures specifically dedicated to department administration.

Both State and local governments that have responsibilities for administering laws and regulations addressing building safety and fire prevention would be eligible for Community Building Code Administration Grants. The bill authorizes $100 million over 5 years. Any grants awarded under this bill would be capped at $1 million.

I would like to note that HUD has expressed some reservations regarding this legislation because currently CDBG funds can be used for this exact same purpose. The Department has concerns whether or not it is necessary to dedicate another $100 million for this purpose when it is already an eligible activity under CDBG.

I would like to thank Mr. MOORE for offering this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Res. 4461 to promote and enhance the operation of local building code enforcement administration across the country by establishing a competitive Federal matching grant program. I would first like to thank my distinguished colleague, Representative DENNIS MOORE of Kansas, for introducing this important legislation. This legislation will provide grants to qualified local building code enforcement departments to increase in the quality and availability of service provided by the departments. These grants will be provided by the Secretary of Housing and Urban Development on a competitive basis provided that the potential grantees can demonstrate need and develop plans for the use of the funds, local governmental actions, public outreach, and enforcement.

In disasters all around the country, studies have shown that a significant portion of the damages could have been prevented by rigorous enforcement of building codes. In studies of the damaged caused by Hurricane Andrew in 1992, researchers found that a quarter of the storm's damages could be attributed to a combination of shoddy workmanship and a lack of enforcement of the building code. The California Seismic Safety Commission's investigation into the damage caused during the 1995 Northridge earthquake in southern California found that much of the damage could have been avoided if building codes had been enforced. We cannot allow the same tragedies to occur time and again. About 2 million homes are at risk from coastal storms, 10 million from flooding, 25 million from wind hazards, and 50 million from earthquakes. So much of the damage caused by these disasters is preventable; we just have to provide resources to local authorities to take the appropriate steps.

By passing this bill, we are sending a message that this is not right. It is not right that a home or a school full of children is destroyed because builders used inferior concrete to save money. We cannot afford to be lax when the safety of all American citizens is at stake. The injury or death of a single person in a preventable accident cannot be tolerated.

In this bill, the funds granted to local building code enforcement administrations would be used to increase staffing, provide staff training, increase staff competence and professional qualifications, support individual certification or departmental accreditation, or for capital expenditures specifically dedicated to the administration of the local building code enforcement department. We can ensure through the screening process that the funds go to communities that both need them and have plans to use them. Departments that receive funds under this program will be required to match a certain percentage based on population unless the department can show significant economic distress in the area they serve. Furthermore, this bill increases the departments' accountability. Grant recipients are obligated to fully account and report for the use of all grants funds and provide a report to the Secretary of Housing and Urban Development on the effectiveness of the program.

This bill will serve to increase the safety of all Americans and the confidence they have in the structure of the buildings they use everyday, from their place of employment to the schools where their children learn to the homes they sleep in at night. By spending now, we will reap the benefits for years to come.

Mrs. CAPITO. I have no further requests for time, and I yield back the balance of my time.

Mr. MOORE of Kansas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kansas (Mr. MOORE) that the House suspend the rules and pass the bill, H.R. 4461, 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.

ASSET MANAGEMENT IMPROVEMENT ACT OF 2008

Mr. FRANK of Massachusetts. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6216) to improve the Operating Fund for public housing of the Department of Housing and Urban Development, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6216

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 ''Asset Management Improvement Act of 2008''.

SEC. 2. REVISIONS TO ASSET MANAGEMENT RULES AND RELATED FEES.

(a) MANAGEMENT AND RELATED FEES.—The Secretary of Housing and Urban Development shall not impose any restriction or limitation on the amount of management and related fees with respect to a public housing project if the fee is determined to be reasonable by the public housing agency, unless such restriction or limitation imposed by the Secretary on such fees—

(1) is determined pursuant to a negotiated rulemaking which is convened by the Secretary no earlier than April 1, 2009, and in accordance with subchapter III of chapter 5 of title 5, United States Code, with representatives from interested parties; and

(2) is effective only on or after January 1, 2011.

The Secretary may not consider a public housing agency as failing to comply with the asset management requirements of subpart H of part 990 of title 24 of the Code of Federal Regulations, or any successor or amended regulation containing asset management requirements, or determine that an agency fails to comply with such requirements, because of or as a result of the agency determining its fees in accordance with this subsection.

(b) INCREASE OF THRESHOLD FOR EXEMPTION FROM ASSET MANAGEMENT REQUIREMENTS.—

(1) INCREASE.—Any public housing agency that owns or operates fewer than 500 public housing units under title I of the United States Housing Act of 1937 may elect to be exempt from any asset management requirement imposed by the Secretary of Housing and Urban Development.

(2) DETERMINATION OF OPERATING FUND ALLOCATION.—If a public housing agency elects pursuant to paragraph (1) to be exempt from asset management requirements, the agency may, at its option, retain the same number of separate public housing projects, for purposes of determining its operating fund allocation, as the agency had identified and the Secretary of Housing and Urban Development had approved before the agency's election to be so exempt.

SEC. 3. PROHIBITION ON RESTRICTION OF FUNGIBILITY OF CAPITAL FUND AMOUNTS.

The Secretary of Housing and Urban Development shall not impose any requirement, regulation, or guideline relating to asset management that restricts or limits in any way the use by public housing agencies of amounts for Capital Fund assistance under section 9(d) of such Act, pursuant to paragraph (1) or (2) of section 9(g) of the United States Housing Act of 1937 (42 U.S.C. 1437g(g)), for costs of any central office of a public housing agency.

SEC. 4. TENANT PARTICIPATION.

(a) RULE OF CONSTRUCTION.—Neither the requirements of this Act, nor any other requirement, regulation, guideline, or other policy or action of the Department of Housing and Urban Development relating to public housing asset management may be construed to repeal or waive any provision of part 964 of title 24 of the Code of Federal Regulations, regarding tenant participation and tenant opportunities in public housing. The Secretary of Housing and Urban Development shall ensure that public housing agencies encourage the reasonable efforts of resident tenant organizations to represent their members or the reasonable efforts of tenants to organize.

(b) PHAS IN RECEIVERSHIP.—In the case of any public housing agency in receivership, the Secretary of Housing and Urban Development or any receiver may not abrogate, waive, repeal, or modify any provision of part 964 of title 24 of the Code of Federal Regulations or any provision of a formalized housing agreement entered into pursuant to such part 964 (including pursuant to section 964.11, 964.14, 964.18(a)(6), or

964.135 of such part) before the commencement of such receivership by a resident or tenant organization and the public housing agency.

(c) GUIDANCE.—Guidance issued by the Secretary of Housing and Urban Development shall encourage participation by residents in the implementation of asset management and the development of local policies for such purposes.

SEC. 5. INELIGIBILITY OF ILLEGAL IMMIGRANTS FOR ASSISTANCE.

Immigrants who are not lawfully present in the United States shall be ineligible for financial assistance under this Act, as provided and defined by section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a). Nothing in this Act shall be construed to alter the restrictions or definitions in such section 214.

SEC. 6. ADMINISTRATIVE PROVISIONS.

(a) PROHIBITION OF MANAGEMENT FEES FOR AGREEMENTS PROHIBITING OR REQUIRING REGISTRATION OF LEGAL FIREARMS.—The Secretary of Housing and Urban Development shall not accept as reasonable any management or related fees for enforcing any provision of a dwelling lease agreement or other similar agreement that requires the registration of or prohibits the possession of any firearm that is possessed by an individual for his or her personal protection or for sport the possession of which is not prohibited, or the registration of which is not required, by existing law.

(b) TERMINATION OF TENANCY AND ASSISTANCE FOR ILLEGAL USE OF FIREARM IN FEDERALLY ASSISTED HOUSING.—Section 577 of the Quality Housing and Work Responsibility Act of 1998 (42 U.S.C. 13662) is amended—

(1) in the section heading—

*(A) by striking "**AND**" the second place it appears and inserting a comma; and*

*(B) by inserting "**, AND FIREARMS USERS**" after "**ABUSERS**"; and*

(2) in subsection (a)—

(A) in paragraph (1), by striking "or" at the end;

(B) in paragraph (2), by striking the period at the end and inserting "; or"; and

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

"(3) who the public housing agency or owner determines is illegally using a firearm, or whose illegal use of a firearm is determined by the public housing authority or owner to interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. FRANK) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, this is a bill that came to the House earlier under a rule and had proceeded without any significant controversy to the point of a recommital motion. The recommital motion offered was one this bill deals with, the relationship between smaller public housing authorities in particular, and HUD, and tries to give them more flexibility. It's widely supported and requested of us, indeed, by many of the housing authorities that are in our districts.

The recommital motion involved the right to own weapons and said that no authority could restrict the right to own weapons beyond what State or city applicable law provided. That was somewhat controversial and led to a decision to withdraw the bill.

It was then back in committee, and in committee we adopted the substance—we in fact adopted the recommital motion. There were a couple of refinements that were broadly agreed to, making it clear that nothing would protect anybody who illegally used a weapon. And that was broadly supported.

We also made a couple of other small changes. Our colleague from Florida (Mr. MEEK) noted that he has a housing authority in his district that is in receivership. He wanted to make it explicit that the rights the tenants have in general do not get lost in receivership. That was unanimously agreed to.

We also adopted language that is responsive to the will of the House, making it clear that people who are in this country illegally would not be able to benefit under this program.

With that, we are back to where we were originally. The bill had not been controversial, although it had been worked out in committee, and I appreciate the cooperation of my colleague from West Virginia, the gentlewoman, who was the ranking member of the Housing Subcommittee.

So we have now a bill that we believe represents the will of the House. There were some members, particularly on our side, who weren't happy with the recommital motion, but it was clear what the will of the body would be. We did not feel we wanted to interfere with an important piece of legislation.

Among those who have asked us to do this is the National Association of Housing and Redevelopment Officials, the Council of Large Public Housing Authorities, and the Public Housing Authorities Directors Association.

This also, by the way, allows capital funds to be used for operating expenses in the appropriate circumstances, which we took from a previously done appropriations bill.

So it is a bill that improves the management of public housing. It incorporates the concerns that have been raised. I hope it is adopted.

I reserve the balance of my time.

Mrs. CAPITO. Mr. Speaker, I rise today in support of H.R. 6216, the Asset Management Improvement Act, authored by the gentleman from New Jersey (Mr. SIRES). There is general agreement that we need to work with our public housing authorities to improve and refine their asset management policies. The Quality Housing and Work Responsibility Act, which was passed by Congress in 1998, included a requirement for a negotiated rulemaking to develop a new public housing operating fund formula.

Rulemaking concluded in 2004, after a 3-year, $4 million Operating Cost Study was conducted, and in 2005, HUD issued the Public Housing Operating Fund Final Rule. HUD has agreed to delay the implementation, in an effort to give PHAs additional time to comply with the negotiated rule. This legislation will make further changes to that rule. It is my hope that all parties can continue to work together to make further improvements.

The base text of the legislation requires HUD and public housing agencies to negotiate, after April 1, 2009, reasonable property and asset management fees with interested stakeholders. The fees would then be implemented January 1, 2011.

The legislation increases, as the chairman said, the number of units public housing agencies can manage to 500, from 250, before they are required to manage their housing portfolios by the new asset management system. It also states that the bill's provisions, including those relating to public housing asset management, do not affect in any way current law regarding tenant participation and tenant opportunities in public housing.

As the chairman noted, we have been here before considering similar legislation. Unfortunately, that legislation was pulled from consideration during the motion to recommit that would have preserved the right of law-abiding citizens to own a firearm. I am pleased the authors of this new version included this important provision.

In addition, the authors have included the text of the manager's amendment, as well as the Meek amendment, in this new draft. The manager's amendment included language blocking illegal immigrants from eligibility and ensuring that certain agencies that apply to HUD for stop-loss do not have their applications rejected on the basis that the management and related fees they establish pursuant to the bill's provisions are not reasonable as defined by HUD. The Meek amendment provides that the tenant organization protections set forth in HUD's regulations apply to public housing agencies that are placed in receivership by HUD.

I would like to thank Mr. SIRES for offering this legislation.

I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, the author of the bill, as the gentlewoman has noted, is our colleague, Mr. SIRES from New Jersey, who represents a district in northern New Jersey where public housing is an important part of the makeup of the area. He was, at the time of this, a member of the Financial Services Committee, and a valuable member, and his interest in housing matters obviously continues. So we were very glad to be able to follow his lead.

I yield 5 minutes to the gentleman from New Jersey (Mr. SIRES).

Mr. SIRES. Thank you, Mr. Chairman.

I am very happy to be here today discussing my bill to help public housing authorities across the Nation. Let me start by thanking Chairman BARNEY FRANK for his support on this bill and his leadership in the Financial Service Committee. Without his dedication to this issue, we would not be considering this bill today.

Let me start by explaining why I introduced this bill. Shortly after I was sworn in, I received a letter from the

Jersey City Housing Authority in my district. They told me they had to lay off 34 employees because of asset management. When I looked into this, I learned that Jersey City was not unique. Over 800 public housing authorities had their operating budgets cut because of the way asset management was implemented by the U.S. Department of Housing and Urban Development. At the same time, the Department limited the amount of flexibility given to public housing authorities to make ends meet. I knew something had to be done.

With the support of Chairman FRANK, Congressman MEEK, and others, I introduced H.R. 6216, the Asset Management Improvement Act of 2008. You will note that the title indicates that the bill improves asset management; it does not put an end to asset management. That is because I feel strongly that the goals of asset management are worthwhile.

By making public housing authorities run more efficiently, asset management has the potential to improve the lives of all those who live in public housing in this country.

My bill simply makes four improvements to the asset management rule and it alters the management of public housing in other aspects. First, it requires new negotiations to establish a reasonable management fee and allows public housing authorities to revert back to the old funding mechanism until final implementation of asset management on January 1, 2011. Congress has previously acted to require this, but HUD failed to act. This bill sets HUD straight.

Second, my bill reaffirms current law by allowing public housing authorities to transfer funds between their operating fund and their capital fund. This provision prevents the Department from prohibiting such transfers. This flexibility is vital to agencies, particularly since the housing program is underfunded. Housing authorities know best where they need funding, not Washington.

There is wide agreement on this provision. In fact, this provision was included in the Consolidated Appropriations Act for Fiscal Year 2008. That provision, however, is only valid for 1 year. My bill will make this change permanent.

Third, my bill decreases the exemption threshold from small to medium-sized public housing authorities. The Department recognized that small authorities with fewer than 250 units of housing would not benefit from the benefits of asset management, and so they are exempted. My bill simply raises this threshold to 500 units.

Again, there is little disagreement on raising the threshold. The Consolidated Appropriations Act for Fiscal Year 2008 raised the exemption threshold to 400. My bill goes a little further; to 500 units. The impact of this change would only affect 110 public housing authorities, some of whom may not opt out of asset management because they think it makes good sense. Even with this change, over two-thirds of all public housing units will still be covered by the asset management rules.

Third, my bill restates current law in terms of tenant participation. It simply says tenants should be allowed to participate in the decision affecting their homes. It prohibits the Department from altering tenant participation rights and it encourages public housing authorities to include tenants in discussions about asset management that directly affects their home.

The bill alters public housing management in a few other ways. First, it restates current law that undocumented immigrants are ineligible for public housing assistance. It includes language that Congresswoman BACHMANN brought to our attention on gun rules. In fact, we have incorporated her language into the bill.

Public housing authorities cannot require gun registration or prohibit gun ownership if local laws do not restrict ownership. Public housing authorities, as a whole, feel this is a reasonable requirement. Additionally, this bill allows public housing authorities to evict tenants who use an illegal weapon while on public housing property. This text was added by Representatives MALONEY and BOREN, recognizing that tenants do not have a right to use illegal weapons in public housing.

Together, these changes make several improvements to the management of public housing. It will improve the lives of all the residents.

□ 1330

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

Mr. FRANK of Massachusetts. I yield the gentleman an additional minute.

Mr. SIRES. Let me end with this: My office has taken calls from public housing authorities across the Nation. Small, large, urban and rural housing authorities support this bill, and I hope that Members will support this bill. Please make a difference for public housing residents and public housing authorities by easing their regulatory burden. Vote ''yes'' on H.R. 6216.

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

Mr. Speaker, I thank the gentleman from New Jersey and certainly support his bill, but I think it is appropriate when talking about trying to stretch our public housing dollars as much as we can to provide housing and safety and cover and a sense of community to many families, I think it brings to light what many families are thinking about right now, and that is the high price of gasoline, how are they getting to where they need to go, to get to a job, to pick up their children at school, to go to church, to go to the grocery store, all the things of daily living.

Many of our public housing situations don't have access to bus routes or any kind of mass transportation, so I think it is incumbent upon this Congress to address this very difficult issue, and I have put forward, as have many of my colleagues on both sides of the aisle, ways to address this, whether it is more drilling, whether it is coal-to-liquid, whether it is more renewables. But it is certainly not standing still. And as we try to move our dollars into the public housing arena to provide shelter and homes for many, many Americans across this country, I think it is important at the same time when people are figuring out how they are going to pay their rent, they realize how are they going to pay for their gas, how are they going to pay for their food.

So I would encourage as we look at housing issues today, we also look at the very important issue of energy in our homes and with our families.

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

Mr. FRANK of Massachusetts. I am about to close, Mr. Speaker. I did want to reassure my colleague from West Virginia, and I appreciate that she is doing her part by making clear that gasoline should be cheaper, it is a very important issue when we talk about financing public housing, I want to reassure her that nothing in this bill prohibits drilling for oil on public housing property. I know there is a lot of concern on the Republican side about that, so they should rest assured that they are okay.

GENERAL LEAVE

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon, following the precedent of the gentlewoman from West Virginia, who has already inserted very extraneous material in the debate on this bill.

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

There was no objection.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. FRANK) that the House suspend the rules and pass the bill, H.R. 6216, 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.

HOMES FOR HEROES ACT OF 2007

Mr. AL GREEN of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3329) to provide housing assistance for very low-income veterans, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3329

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 ''Homes for Heroes Act of 2008''.

SEC. 2. SPECIAL ASSISTANT FOR VETERANS AFFAIRS IN OFFICE OF SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

Section 4 of the Department of Housing and Urban Development Act (42 U.S.C. 3533) is amended by adding at the end the following new subsection:

''(g) SPECIAL ASSISTANT FOR VETERANS AFFAIRS.—

''(1) ESTABLISHMENT.—There shall be in the Department a Special Assistant for Veterans Affairs, who shall be in the Office of the Secretary.

''(2) APPOINTMENT.—The Special Assistant for Veterans Affairs shall be appointed based solely on merit and shall be covered under the provisions of title 5, United States Code, governing appointments in the competitive service.

''(3) RESPONSIBILITIES.—The Special Assistant for Veterans Affairs shall be responsible for—

''(A) ensuring veterans have access to housing and homeless assistance under each program of the Department providing either such assistance;

''(B) coordinating all programs and activities of the Department relating to veterans;

''(C) serving as a liaison for the Department with the Department of Veterans Affairs, including establishing and maintaining relationships with the Secretary of Veterans Affairs;

''(D) serving as a liaison for the Department, and establishing and maintaining relationships with officials of State, local, regional, and nongovernmental organizations concerned with veterans;

''(E) providing information and advice regarding—

''(i) sponsoring housing projects for veterans assisted under programs administered by the Department; or

''(ii) assisting veterans in obtaining housing or homeless assistance under programs administered by the Department;

''(F) preparing the annual report under section 8 of such Act; and

''(G) carrying out such other duties as may be assigned to the Special Assistant by the Secretary or by law.''.

SEC. 3. SUPPORTIVE HOUSING FOR VERY LOW-INCOME VETERAN FAMILIES.

(a) PURPOSE.—The purposes of this section are—

(1) to expand the supply of permanent housing for very low-income veteran families; and

(2) to provide supportive services through such housing to support the needs of such veteran families.

(b) AUTHORITY.—

(1) IN GENERAL.—The Secretary of Housing and Urban Development shall, to the extent amounts are made available for assistance under this section and the Secretary receives approvable applications for such assistance, provide assistance to private nonprofit organizations and consumer cooperatives to expand the supply of supportive housing for very low-income veteran families.

(2) NATURE OF ASSISTANCE.—The assistance provided under paragraph (1)—

(A) shall be available for use to plan for and finance the acquisition, construction, reconstruction, or moderate or substantial rehabilitation of a structure or a portion of a structure to be used as supportive housing for very low-income veteran families in accordance with this section; and

(B) may also cover the cost of real property acquisition, site improvement, conversion, demolition, relocation, and other expenses that the Secretary determines are necessary to expand the supply of supportive housing for very low-income veteran families.

(3) CONSULTATION.—In meeting the requirement of paragraph (1), the Secretary shall consult with—

(A) the Secretary of Veterans Affairs; and

(B) the Special Assistant for Veterans Affairs, as such Special Assistant was established under section 4(g) of the Department of Housing and Urban Development Act.

(c) FORMS OF ASSISTANCE.—Assistance under this section shall be made available in the following forms:

(1) PLANNING GRANTS.—Assistance may be provided as a grant for costs of planning a project to be used as supportive housing for very low-income veteran families.

(2) CAPITAL ADVANCES.—Assistance may be provided as a capital advance under this paragraph for a project, such advance shall—

(A) bear no interest;

(B) not be required to be repaid so long as the housing remains available for occupancy by very low-income veteran families in accordance with this section; and

(C) be in an amount calculated in accordance with the development cost limitation established pursuant to subsection (i).

(3) PROJECT RENTAL ASSISTANCE.—Assistance may be provided as project rental assistance, under an annual contract that—

(A) obligates the Secretary to make monthly payments to cover any part of the costs attributed to units occupied (or, as approved by the Secretary, held for occupancy) by very low-income veteran families that is not met from project income;

(B) provides for the project not more than the sum of the initial annual project rentals for all units so occupied and any initial utility allowances for such units, as approved by the Secretary;

(C) provides that any contract amounts not used by a project in any year shall remain available to the project until the expiration of the contract;

(D) provides that upon the expiration of each contract term, the Secretary shall adjust the annual contract amount to provide for reasonable project costs, and any increases, including adequate reserves, supportive services, and service coordinators, except that any contract amounts not used by a project during a contract term shall not be available for such adjustments upon renewal; and

(E) provides that in the event of emergency situations that are outside the control of the owner, the Secretary shall increase the annual contract amount, subject to reasonable review and limitations as the Secretary shall provide.

(d) TENANT RENT CONTRIBUTION.—A very low-income veteran family shall pay as rent for a dwelling unit assisted under this section the highest of the following amounts, rounded to the nearest dollar:

(1) 30 percent of the veteran family's adjusted monthly income.

(2) 10 percent of the veteran family's monthly income.

(3) If the veteran family is receiving payments for welfare assistance from a public agency and a part of such payments, adjusted in accordance with the veteran family's actual housing costs, is specifically designated by such agency to meet the veteran family's housing costs, the portion of such payments which is so designated.

(e) TERM OF COMMITMENT.—

(1) USE LIMITATIONS.—All units in housing assisted under this section shall be made available for occupancy by very low-income veteran families for not less than 15 years.

(2) CONTRACT TERMS FOR PROJECT RENTAL ASSISTANCE.—

(A) INITIAL TERM.—The initial term of a contract entered into under subsection (c)(3) shall be 60 months.

(B) EXTENSION.—The Secretary shall, subject only to the availability of amounts provided in appropriation Acts, renew the contract entered into under subsection (c)(3) for 10 consecutive one-year terms, the first such term beginning upon the expiration of such 60-month period.

(C) AUTHORITY OF SECRETARY TO MAKE EARLY COMMITMENTS.—In order to facilitate the orderly extension of expiring contracts, the Secretary may make commitments to extend expiring contracts during the year prior to the date of expiration.

(f) APPLICATIONS.—

(1) IN GENERAL.—Amounts made available under this section shall be allocated by the Secretary among approvable applications submitted by private nonprofit organizations and consumer cooperatives.

(2) CONTENT OF APPLICATION.—

(A) IN GENERAL.—Applications for assistance under this section shall be submitted by an applicant in such form and in accordance with such procedures as the Secretary shall establish.

(B) REQUIRED CONTENT.—Applications for assistance under this section shall contain—

(i) a description of the proposed housing;

(ii) a description of the assistance the applicant seeks under this section;

(iii) a description of—

(I) the supportive services to be provided to the persons occupying such housing;

(II) the manner in which such services will be provided to such persons, including, in the case of frail elderly persons (as such term is defined in section 202 of the Housing Act of 1959 (12 U.S.C. 1701q)), evidence of such residential supervision as the Secretary determines is necessary to facilitate the adequate provision of such services; and

(III) the public or private sources of assistance that can reasonably be expected to fund or provide such services;

(iv) a certification from the public official responsible for submitting a housing strategy for the jurisdiction to be served in accordance with section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705) that the proposed project is consistent with the approved housing strategy; and

(v) such other information or certifications that the Secretary determines to be necessary or appropriate to achieve the purposes of this section.

(3) REJECTION.—The Secretary shall not reject any application for assistance under this section on technical grounds without giving notice of that rejection and the basis therefore to the applicant.

(g) INITIAL SELECTION CRITERIA AND PROCESSING.—

(1) SELECTION CRITERIA.—The Secretary shall establish selection criteria for assistance under this section, which shall include—

(A) criteria based upon—

(i) the ability of the applicant to develop and operate the proposed housing;

(ii) the need for supportive housing for very low-income veteran families in the area to be served;

(iii) the extent to which the proposed size and unit mix of the housing will enable the applicant to manage and operate the housing efficiently and ensure that the provision of supportive services will be accomplished in an economical fashion;

(iv) the extent to which the proposed design of the housing will meet the service-

connected disability needs of very low-income veteran families;

(v) the extent to which the applicant has demonstrated that the supportive services identified pursuant to subsection (f)(2)(B)(iii) will be provided on a consistent, long-term basis;

(vi) the extent to which the proposed design of the housing will accommodate the provision of supportive services that are expected to be needed, either initially or over the useful life of the housing, by the very low-income veterans the housing is intended to serve;

(vii) the extent to which the applicant has ensured that a service coordinator will be employed or otherwise retained for the housing, who has the managerial capacity and responsibility for carrying out the actions described in clauses (i) and (ii) of subsection (h)(2)(A); and

(viii) such other factors as the Secretary determines to be appropriate to ensure that funds made available under this section are used effectively;

(B) a preference in such selection for applications proposing housing to be reserved for occupancy by very low-income veteran families who are homeless (as such term is defined in section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302)); and

(C) criteria appropriate to consider the need for supportive housing for very low-income veteran families in nonmetropolitan areas and by Indian tribes.

(2) DELEGATED PROCESSING.—

(A) DELEGATION TO STATE OR LOCAL HOUSING AUTHORITY.—In issuing a capital advance under this subsection for any project for which financing for the purposes described in subsection (b)(2) is provided by a combination of a capital advance under subsection (c)(2) and sources other than this section, within 30 days of award of the capital advance, the Secretary shall delegate review and processing of such projects to a State or local housing agency that—

(i) is in geographic proximity to the property;

(ii) has demonstrated experience in and capacity for underwriting multifamily housing loans that provide housing and supportive services;

(iii) may or may not be providing low-income housing tax credits in combination with the capital advance under this section; and

(iv) agrees to issue a firm commitment within 12 months of delegation.

(B) PROCESSING BY SECRETARY.—The Secretary shall retain the authority to process capital advances in cases in which no State or local housing agency has applied to provide delegated processing pursuant to this paragraph or no such agency has entered into an agreement with the Secretary to serve as a delegated processing agency.

(C) PROCESSING FEES.—An agency to which review and processing is delegated pursuant to subparagraph (A) may assess a reasonable fee which shall be included in the capital advance amounts and may recommend project rental assistance amounts in excess of those initially awarded by the Secretary. The Secretary shall develop a schedule for reasonable fees under this subparagraph to be paid to delegated processing agencies, which shall take into consideration any other fees to be paid to the agency for other funding provided to the project by the agency, including bonds, tax credits, and other gap funding.

(D) AUTHORITY RETAINED BY SECRETARY.—Under such delegated system, the Secretary shall retain the authority to approve rents and development costs and to execute a capital advance within 60 days of receipt of the commitment from the State or local agency. The Secretary shall provide to such agency and the project sponsor, in writing, the reasons for any reduction in capital advance amounts or project rental assistance and such reductions shall be subject to appeal.

(h) PROVISION OF SUPPORTIVE SERVICES TO VETERAN FAMILIES.—

(1) IN GENERAL.—The Secretary of Housing and Urban Development shall coordinate with the Secretary of Veterans Affairs to ensure that any housing assistance provided to veterans or veteran families includes a range of services tailored to the needs of the very low-income veteran families occupying such housing, which may include services for—

(A) outreach;

(B) health (including counseling, mental health, substance abuse, post-traumatic stress disorder, and traumatic brain injury) diagnosis and treatment;

(C) habilitation and rehabilitation;

(D) case management;

(E) daily living;

(F) personal financial planning;

(G) transportation;

(H) vocation;

(I) employment and training;

(J) education;

(K) assistance in obtaining veterans benefits and public benefits;

(L) assistance in obtaining income support;

(M) assistance in obtaining health insurance;

(N) fiduciary and representative payee;

(O) legal aid;

(P) child care;

(Q) housing counseling;

(R) service coordination; and

(S) other services necessary for maintaining independent living.

(2) LOCAL COORDINATION OF SERVICES.—

(A) IN GENERAL.—The Secretary of Housing and Urban Development shall coordinate with the Secretary of the Department of Veterans Affairs to ensure that owners of housing assisted under this section have the managerial capacity to—

(i) assess on an ongoing basis the service needs of residents;

(ii) coordinate the provision of supportive services and tailor such services to the individual needs of residents; and

(iii) seek on a continuous basis new sources of assistance to ensure the long-term provision of supportive services.

(B) CLASSIFICATION OF COSTS.—Any cost associated with this subsection relating to the coordination of services shall be an eligible cost under subsections (c)(3).

(i) DEVELOPMENT COST LIMITATIONS.—

(1) IN GENERAL.—The Secretary shall periodically establish reasonable development cost limitations by market area for various types and sizes of supportive housing for very low-income veteran families by publishing a notice of the cost limitations in the Federal Register.

(2) CONSIDERATIONS.—The cost limitations established under paragraph (1) shall reflect—

(A) the cost of construction, reconstruction, or moderate or substantial rehabilitation of supportive housing for very low-income veteran families that meets applicable State and local housing and building codes;

(B) the cost of movables necessary to the basic operation of the housing, as determined by the Secretary;

(C) the cost of special design features necessary to make the housing accessible to very low-income veteran families;

(D) the cost of community space necessary to accommodate the provision of supportive services to veteran families;

(E) if the housing is newly constructed, the cost of meeting the energy efficiency standards promulgated by the Secretary in accordance with section 109 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12709); and

(F) the cost of land, including necessary site improvement.

(3) USE OF DATA.—In establishing development cost limitations for a given market area under this subsection, the Secretary shall use data that reflect currently prevailing costs of construction, reconstruction, or moderate or substantial rehabilitation, and land acquisition in the area.

(4) COMMUNITY SPACE.—For purposes of paragraph (2), a community space shall include space for cafeterias or dining halls, community rooms or buildings, workshops, child care, adult day health facilities or other outpatient health facilities, or other essential service facilities.

(5) COMMERCIAL FACILITIES.—Neither this section nor any other provision of law may be construed as prohibiting or preventing the location and operation, in a project assisted under this section, of commercial facilities for the benefit of residents of the project and the community in which the project is located, except that assistance made available under this section may not be used to subsidize any such commercial facility.

(6) ACQUISITION.—In the case of existing housing and related facilities to be acquired, the cost limitations shall include—

(A) the cost of acquiring such housing;

(B) the cost of rehabilitation, alteration, conversion, or improvement, including the moderate or substantial rehabilitation thereof; and

(C) the cost of the land on which the housing and related facilities are located.

(7) ANNUAL ADJUSTMENTS.—The Secretary shall adjust the cost limitation not less than annually to reflect changes in the general level of construction, reconstruction, and moderate and substantial rehabilitation costs.

(8) INCENTIVES FOR SAVINGS.—

(A) SPECIAL HOUSING ACCOUNT.—

(i) IN GENERAL.—The Secretary shall use the development cost limitations established under paragraph (1) or (6) to calculate the amount of financing to be made available to individual owners.

(ii) ACTUAL DEVELOPMENTAL COSTS LESS THAN FINANCING.—Owners which incur actual development costs that are less than the amount of financing shall be entitled to retain 50 percent of the savings in a special housing account.

(iii) BONUS FOR ENERGY EFFICIENCY.—The percentage established under clause (ii) shall be increased to 75 percent for owners which add energy efficiency features which—

(I) exceed the energy efficiency standards promulgated by the Secretary in accordance with section 109 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12709);

(II) substantially reduce the life-cycle cost of the housing; and

(III) reduce gross rent requirements.

(B) USES.—The special housing account established under subparagraph (A) may be used—

(i) to provide services to residents of the housing or funds set aside for replacement reserves; or

(ii) for such other purposes as determined by the Secretary.

(9) DESIGN FLEXIBILITY.—The Secretary shall, to the extent practicable, give owners the flexibility to design housing appropriate to their location and proposed resident population within broadly defined parameters.

(10) USE OF FUNDS FROM OTHER SOURCES.—An owner shall be permitted voluntarily to provide funds from sources other than this section for amenities and other features of appropriate design and construction suitable

for supportive housing under this section if the cost of such amenities is—

(A) not financed with the advance; and

(B) is not taken into account in determining the amount of Federal assistance or of the rent contribution of tenants.

(j) TENANT SELECTION.—

(1) IN GENERAL.—An owner shall adopt written tenant selection procedures that are—

(A) satisfactory to the Secretary and which are—

(i) consistent with the purpose of improving housing opportunities for very low-income veteran families; and

(ii) reasonably related to program eligibility and an applicant's ability to perform the obligations of the lease; and

(B) compliant with subtitle C of title VI of the Housing and Community Development Act of 1992 (42 U.S.C. 13601 et seq.) and any regulations issued under such subtitle.

(2) NOTIFICATION OF REJECTION.—Owners shall promptly notify in writing any rejected applicant of the grounds for any rejection.

(3) INFORMATION REGARDING HOUSING.—

(A) IN GENERAL.—The Secretary shall provide, to the Secretary of Veterans Affairs and the Secretary of Labor, information regarding the availability of the housing assisted under this section.

(B) SHARING OF INFORMATION WITH ADDITIONAL AGENCIES.—Within 30 days of receipt of the information, the Secretary of Veterans Affairs and Secretary of Labor shall provide such information to agencies in the area of the housing that receive assistance from the Department of Veterans Affairs and the Department of Labor for providing medical care, housing, supportive services or employment and training services to homeless veterans.

(k) MISCELLANEOUS PROVISIONS.—

(1) TECHNICAL ASSISTANCE.—The Secretary shall make available appropriate technical assistance to ensure that prospective applicants are able to participate more fully in the program carried out under this section.

(2) CIVIL RIGHTS COMPLIANCE.—Each owner shall certify, to the satisfaction of the Secretary, that assistance made available under this section will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.), the Fair Housing Act (42 U.S.C. 3601 et seq.), and other Federal, State, and local laws prohibiting discrimination and promoting equal opportunity.

(3) OWNER DEPOSIT.—

(A) IN GENERAL.—The Secretary shall require an owner of housing, assisted under this section, to deposit an amount not to exceed $15,000 in a special escrow account to ensure the owner's commitment to the housing. Such amount shall be used only to cover operating deficits during the first three years of operations and shall not be used to cover construction shortfalls or inadequate initial project rental assistance amounts.

(B) REDUCTION OF REQUIREMENT.—

(i) IN GENERAL.—The Secretary may reduce or waive the owner deposit specified under subparagraph (A) for individual applicants if the Secretary finds that such waiver or reduction is necessary to achieve the purposes of this section and the applicant demonstrates to the satisfaction of the Secretary that it has the capacity to manage and maintain the housing in accordance with this section.

(ii) NONPROFITS.—The Secretary may reduce or waive the requirement of the owner deposit under subparagraph (A) in the case of a nonprofit applicant that is not affiliated with a national sponsor, as determined by the Secretary.

(4) NOTICE OF APPEAL.—

(A) IN GENERAL.—The Secretary shall notify an owner not less than 30 days prior to canceling any reservation of assistance provided under this section.

(B) APPEAL.—

(i) FILING DEADLINE.—During the 30-day period following the receipt of any notice required under subparagraph (A), an owner may appeal the proposed cancellation.

(ii) TIMING OF DECISION.—Any appeal undertaken under clause (i), including review by the Secretary, shall be completed not later than 45 days after the appeal is filed.

(5) LABOR.—

(A) IN GENERAL.—The Secretary shall take such action as may be necessary to ensure that all laborers and mechanics employed by contractors and subcontractors in the construction of housing with 12 or more units assisted under this section shall be paid wages at rates not less than the rates prevailing in the locality involved for the corresponding classes of laborers and mechanics employed on construction of a similar character, as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code.

(B) EXEMPTION.—Subparagraph (A) shall not apply to any individual who—

(i) performs services for which the individual volunteered;

(ii) does not receive compensation for such services or is paid expenses, reasonable benefits, or a nominal fee for such services; and

(iii) is not otherwise employed at any time in the construction work.

(6) ACCESS TO RESIDUAL RECEIPTS.—

(A) IN GENERAL.—The Secretary shall authorize the owner of a housing project assisted under this section to use any residual receipts held for the project in excess of $500 per unit (or in excess of such other amount prescribed by the Secretary based on the needs of the project) for activities to retrofit and renovate the project as described under section 802(d)(3) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8011(d)(3)) or to provide supportive services to residents of the project.

(B) REPORT.—Any owner that uses residual receipts under this paragraph shall submit to the Secretary a report, not less than annually, describing the uses of the residual receipts.

(C) DETERMINATION OF AMOUNT.—In determining the amount of project rental assistance to be provided to a project under subsection (c)(3) of this section, the Secretary may take into consideration the residual receipts held for the project only if, and to the extent that, excess residual receipts are not used under this paragraph.

(7) OCCUPANCY STANDARDS AND OBLIGATIONS.—Each owner shall operate housing assisted under this section in compliance with subtitle C of title VI of the Housing and Community Development Act of 1992 (42 U.S.C. 13601 et seq.) and any regulations issued under such subtitle.

(8) USE OF PROJECT RESERVES.—

(A) IN GENERAL.—Amounts for project reserves for a project assisted under this section may be used for costs, subject to reasonable limitations as the Secretary determines appropriate, for reducing the number of dwelling units in the project.

(B) APPROVAL OF SECRETARY REQUIRED.—Any use described in subparagraph (A) of amounts for project reserves for a project assisted under this section shall be subject to the approval of the Secretary to ensure that such use is designed to retrofit units that are currently obsolete or unmarketable.

(9) REPAYMENT OF ASSISTANCE AND PREVENTION OF UNDUE BENEFITS.—

(A) REPAYMENT.—If a recipient, or a project sponsor receiving funds from the recipient, receives assistance under subsection (b) for use pursuant to paragraph (2) of such subsection for the construction, acquisition, or rehabilitation of supportive housing for very low-income veteran families and the project ceases to provide permanent housing, the Secretary shall require the recipient, or such project sponsor, to repay the following percentage of such assistance:

(i) In the case of a project that ceases to be used for such supportive housing before the expiration of the 10-year period beginning upon commencement of the operation of the project, 100 percent.

(ii) In the case of a project that ceases to be used for such supportive housing on or after the expiration of the 10-year period beginning upon commencement of the operation of the project, but before the expiration of the 15-year period beginning upon such commencement, 20 percent of the assistance for each of the years during such 15-year period for which the project fails to provide permanent housing.

(B) PREVENTION OF UNDUE BENEFITS.—Except as provided in paragraph (C), if any property is used for a project that receives assistance under subsection (b) for use pursuant to paragraph (2) of such subsection for the construction, acquisition or rehabilitation of supportive housing for very low-income veteran families, and the sale or other disposition of the property occurs before the expiration of the 15-year period beginning upon commencement of the operation of the project, the recipient (or the project sponsor receiving funds from the recipient) shall comply with such terms and conditions as the Secretary may prescribe to prevent the recipient (or such project sponsor) from unduly benefitting from such sale or disposition.

(C) EXCEPTION.—A recipient, or a project sponsor receiving funds from the recipient, shall not be required to make repayments, and comply with the terms and conditions, required under subparagraph (A) or (B) if—

(i) the sale or disposition of the property used for the project results in the use of the property for the direct benefit of very-low income persons;

(ii) all of the proceeds of the sale or disposition are used to provide permanent housing for very-low income veteran families meeting the requirements of this section;

(iii) project-based rental assistance or operating cost assistance from any Federal program or an equivalent State or local program is no longer made available and the project is meeting applicable performance standards, provided that the portion of the project that had benefitted from such assistance continues to meet the tenant income and rent restrictions for low-income units under section 42(g) of the Internal Revenue Code of 1986; or

(iv) there are no low-income veteran families in the geographic area of the property who meet the program criteria, in which case the project may serve non-veteran individuals and families having incomes described in subsection (l)(2) of this section.

(10) CONTINUED ELIGIBILITY OF VERY LOW-INCOME VETERAN FAMILIES.—A veteran family residing in supportive housing assisted under this section may not be considered to lose its status as such a family for purposes of eligibility for continued occupancy in such housing due to the death of any veteran member of the family, including the sole veteran member of the family.

(l) DEFINITIONS.—In this section, the following definitions shall apply:

(1) CONSUMER COOPERATIVE.—The term ''consumer cooperative'' has the same meaning given such term for purposes of the supportive housing for the elderly program under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q).

(2) VERY LOW-INCOME VETERAN FAMILY.—The term ''very low-income veteran family'' means a veteran family whose income does not exceed 50 percent of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish an income ceiling higher or lower than 50 percent of the median for the area on the basis of the Secretary's findings that such variations are necessary because of prevailing levels of construction costs or fair market rents (as determined under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f)), or unusually high or low family incomes.

(3) OWNER.—The term ''owner'' means a private nonprofit organization or consumer cooperative that receives assistance under this section to develop and operate supportive housing for very low-income veteran families.

(4) PRIVATE NONPROFIT ORGANIZATION.—The term ''private nonprofit organization'' means—

(A) any incorporated private institution or foundation—

(i) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;

(ii) which has a governing board that is responsible for the operation of the housing assisted under this section; and

(iii) which is approved by the Secretary as to financial responsibility;

(B) a for-profit limited partnership the sole or managing general partner of which is an organization meeting the requirements under clauses (i), (ii), and (iii) of subparagraph (A) or a corporation meeting the requirements of subparagraph (C);

(C) a corporation wholly owned and controlled by an organization meeting the requirements under clauses (i), (ii), and (iii) of subparagraph (A); and

(D) a tribally designated housing entity, as such term is defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development, except where specifically provided otherwise.

(6) STATE.—The term ''State'' includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States.

(7) SUPPORTIVE HOUSING FOR VERY LOW-INCOME VETERAN FAMILIES.—The term ''supportive housing for very low-income veteran families'' means housing that is designed to accommodate the provision of supportive services that are expected to be needed, either initially or over the useful life of the housing, by the veteran families that the housing is intended to serve.

(8) VETERAN.—The term ''veteran'' has the meaning given the term in section 101 of title 38, United States Code.

(9) VETERAN FAMILY.—The term ''veteran family'' includes a veteran who is a single person, a family (including families with children) whose head of household (or whose spouse) is a veteran, and one or more veterans living together with 1 or more persons.

(m) ALLOCATION OF FUNDS.—Of any amounts made available for assistance under this section:

(1) PLANNING GRANTS.—Not more than 2.5 percent shall be available for planning grants in accordance with subsection (c)(1).

(2) CAPITAL ADVANCES.—Such sums as may be necessary shall be available for capital advances in accordance with subsection (c)(2).

(3) PROJECT RENTAL ASSISTANCE.—Such sums as may be necessary shall be available for project rental assistance in accordance with subsection (c)(3).

(4) TECHNICAL ASSISTANCE.—Not more than 1 percent shall be available for technical assistance in accordance with subsection (k)(1).

(n) AUTHORIZATION OF APPROPRIATIONS FOR HOUSING ASSISTANCE.—There is authorized to be appropriated for assistance under this section $200,000,000 for fiscal year 2008 and such sums as may be necessary for each fiscal year thereafter.

SEC. 4. HOUSING CHOICE VOUCHERS FOR HOMELESS VETERANS.

Section 8(o)(19) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) is amended to read as follows:

''(19) RENTAL VOUCHERS FOR HOMELESS VETERANS.—

''(A) ADDITIONAL VOUCHERS.—In addition to any amount made available for rental assistance under this subsection, the Secretary shall make available the amount specified in subparagraph (B), for use only for providing rental assistance for homeless veterans in conjunction with the Secretary of Veterans Affairs.

''(B) AMOUNT.—The amount specified in this subparagraph is, for each fiscal year, the amount necessary to provide not fewer than 20,000 vouchers for rental assistance under this subsection.

''(C) CONTINUED ELIGIBILITY OF HOMELESS VETERAN FAMILIES.—If any veteran member of a household for which rental assistance is being provided under this paragraph, including the sole veteran member of the household, dies, such household may not be considered, due to such death, to lose its status as the household of a homeless veteran for purposes of—

''(i) eligibility for continued assistance under this paragraph; or

''(ii) continued occupancy in the dwelling unit in which such family is residing using such assistance at the time of such death.

''(D) FUNDING.—The budget authority made available under any other provisions of law for rental assistance under this subsection for fiscal year 2008 and each fiscal year thereafter is authorized to be increased in each such fiscal year by such sums as may be necessary to provide the number of vouchers specified in subparagraph (B) for such fiscal year.''.

SEC. 5. INCLUSION OF VETERANS IN HOUSING PLANNING.

(a) PUBLIC HOUSING AGENCY PLANS.—Section 5A(d)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437c–1(d)(1)) is amended by striking ''and disabled families'' and inserting '', disabled families, and veterans (as such term is defined in section 101 of title 38, United States Code)''.

(b) COMPREHENSIVE HOUSING AFFORDABILITY STRATEGIES.—

(1) IN GENERAL.—Section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705) is amended—

(A) in subsection (b)(1), by inserting ''veterans (as such term is defined in section 101 of title 38, United States Code),'' after ''acquired immunodeficiency syndrome,'';

(B) in subsection (b)(20), by striking ''and service'' and inserting ''veterans service, and other service''; and

(C) in subsection (e)(1), by inserting ''veterans (as such term is defined in section 101 of title 38, United States Code),'' after ''homeless persons,''.

(2) CONSOLIDATED PLANS.—The Secretary of Housing and Urban Development shall revise the regulations relating to submission of consolidated plans (part 91 of title 24, Code of Federal Regulations) in accordance with the amendments made by paragraph (1) of this subsection to require inclusion of appropriate information relating to veterans and veterans service agencies in all such plans.

SEC. 6. EXCLUSION OF VETERANS BENEFITS FROM ASSISTED HOUSING RENT CONSIDERATIONS.

(a) IN GENERAL.—Notwithstanding any other provision of law, for purposes of determining the amount of rent paid by a family for occupancy of a dwelling unit assisted under a federally assisted housing program under subsection (b) or in housing assisted under any other federally assisted housing program, the income and the adjusted income of the family shall not be considered to include any amounts received by any member of the family from the Secretary of Veterans Affairs as—

(1) compensation, as such term is defined in section 101(13) of title 38, United States Code; and

(2) dependency and indemnity compensation, as such term is defined in section 101(14) of such title.

(b) FEDERALLY ASSISTED HOUSING PROGRAM.—The federally assisted housing programs under this subsection are—

(1) the public housing program under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.);

(2) the tenant-based rental assistance program under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), including the program under subsection (o)(19) of such section for housing rental vouchers for low-income veteran families;

(3) the project-based rental assistance program under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f);

(4) the program for housing opportunities for persons with AIDS under subtitle D of title VIII of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12901 et seq.);

(5) the supportive housing for the elderly program under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q);

(6) the supportive housing for persons with disabilities program under section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013);

(7) the supportive housing for the homeless program under subtitle C of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11381 et seq.);

(8) the program for moderate rehabilitation of single room occupancy dwellings for occupancy by the homeless under section 441 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11401);

(9) the shelter plus care for the homeless program under subtitle F of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11403 et seq.);

(10) the supportive housing for very low-income veteran families program under section 3 of this Act;

(11) the rental assistance payments program under section 521(a)(2)(A) of the Housing Act of 1949 (42 U.S.C. 1490a(a)(2)(A);

(12) the rental assistance program under section 236 of the National Housing Act (12 U.S.C. 1715z–1);

(13) the rural housing programs under section 515 and 538 of the Housing Act of 1949 (42 U.S.C. 1485, 1490p–2);

(14) the HOME investment partnerships program under title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12721 et seq.);

(15) the block grant programs for affordable housing for Native Americans and Native Hawaiians under titles I through IV and VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111 et seq., 4221 et seq.);

(16) any other program for housing assistance administered by the Secretary of Housing and Urban Development or the Secretary

of Agriculture under which eligibility for occupancy in the housing assisted or for housing assistance is based upon income;

(17) low-income housing credits allocated pursuant to section 42 of the Internal Revenue Code of 1986; and

(18) tax-exempt bonds issued for qualified residential rental projects pursuant to section 142(d) of the Internal Revenue Code of 1986.

SEC. 7. TECHNICAL ASSISTANCE GRANTS FOR HOUSING ASSISTANCE FOR VETERANS.

(a) IN GENERAL.—The Secretary of Housing and Urban Development shall, to the extent amounts are made available in appropriation Acts for grants under this section, make grants to eligible entities under subsection (b) to provide to nonprofit organizations technical assistance appropriate to assist such organizations in—

(1) sponsoring housing projects for veterans assisted under programs administered by the Department of Housing and Urban Development;

(2) fulfilling the planning and application processes and requirements necessary under such programs administered by the Department; and

(3) assisting veterans in obtaining housing or homeless assistance under programs administered by the Department.

(b) ELIGIBLE ENTITIES.—An eligible entity under this subsection is a nonprofit entity or organization having such expertise as the Secretary shall require in providing technical assistance to providers of services for veterans.

(c) SELECTION OF GRANT RECIPIENTS.—The Secretary of Housing and Urban Development shall establish criteria for selecting applicants for grants under this section to receive such grants and shall select applicants based upon such criteria.

(d) FUNDING.—Of any amounts made available in fiscal year 2008 or any fiscal year thereafter to the Department of Housing and Urban Development for salaries and expenses, $1,000,000 shall be available, and shall remain available until expended, for grants under this section.

SEC. 8. ANNUAL REPORT ON HOUSING ASSISTANCE TO VETERANS.

(a) IN GENERAL.—Not later than December 31 each year, the Secretary of Housing and Urban Development shall submit a report on the activities of the Department of Housing and Urban Development relating to veterans during such year to the following:

(1) The Committee on Banking, Housing, and Urban Affairs of the Senate.

(2) The Committee on Veterans' Affairs of the Senate.

(3) The Committee on Appropriations of the Senate.

(4) The Committee on Financial Services of the House of Representatives.

(5) The Committee on Veterans' Affairs of the House of Representatives.

(6) The Committee on Appropriations of the House of Representatives.

(7) The Secretary of Veterans Affairs.

(b) CONTENTS.—Each report required under subsection (a) shall include the following information with respect to the year for which the report is submitted:

(1) The number of very low-income veteran families provided assistance under the program of supportive housing for very low-income veteran families under section 3, the socioeconomic characteristics of such families, the types of assistance provided such families, and the number, types, and locations of owners of housing assisted under such section.

(2) The number of homeless veterans provided assistance under the program of housing choice vouchers for homeless veterans under section 8(o)(19) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)) (as amended by section 4), the socioeconomic characteristics of such homeless veterans, and the number, types, and locations of entities contracted under such section to administer the vouchers.

(3) A summary description of the special considerations made for veterans under public housing agency plans submitted pursuant to section 5A of the United States Housing Act of 1937 (42 U.S.C. 1437c–1) and under comprehensive housing affordability strategies submitted pursuant to section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705).

(4) A description of the technical assistance provided to organizations pursuant to grants under section 7.

(5) A description of the activities of the Special Assistant for Veterans Affairs.

(6) A description of the efforts of the Department of Housing and Urban Development to coordinate the delivery of housing and services to veterans with other Federal departments and agencies, including the Department of Defense, Department of Justice, Department of Labor, Department of Health and Human Services, Department of Veterans Affairs, Interagency Council on Homelessness, and the Social Security Administration.

(7) The cost to the Department of Housing and Urban Development of administering the programs and activities relating to veterans.

(8) Any other information that the Secretary considers relevant in assessing the programs and activities of the Department of Housing and Urban Development relating to veterans .

(c) ASSESSMENT OF HOUSING NEEDS OF VERY LOW-INCOME VETERAN FAMILIES.—

(1) IN GENERAL.—For the first report submitted pursuant to subsection (a) and every fifth report thereafter, the Secretary of Housing and Urban Development shall—

(A) conduct an assessment of the housing needs of very low-income veteran families (as such term is defined in section 3); and

(B) shall include in each such report findings regarding such assessment.

(2) CONTENT.—Each assessment under this subsection shall include—

(A) conducting a survey of, and direct interviews with, a representative sample of very low-income veteran families (as such term is defined in section 3) to determine past and current—

(i) socioeconomic characteristics of such veteran families;

(ii) barriers to such veteran families obtaining safe, quality, and affordable housing;

(iii) levels of homelessness among such veteran families; and

(iv) levels and circumstances of, and barriers to, receipt by such veteran families of rental housing and homeownership assistance; and

(B) such other information that the Secretary determines, in consultation with the Secretary of Veterans Affairs and national nongovernmental organizations concerned with veterans, homelessness, and very low-income housing, may be useful to the assessment.

(3) CONDUCT.—If the Secretary contracts with an entity other than the Department of Housing and Urban Development to conduct the assessment under this subsection, such entity shall be a nongovernmental organization determined by the Secretary to have appropriate expertise in quantitative and qualitative social science research.

(4) FUNDING.—Of any amounts made available pursuant to section 501 of the Housing and Urban Development Act of 1970 (42 U.S.C. 1701z–1) for programs of research, studies, testing, or demonstration relating to the mission or programs of the Department of Housing and Urban Development for any fiscal year in which an assessment under this subsection is required pursuant to paragraph (1) of this subsection, $1,000,000 shall be available until expended for costs of the assessment under this subsection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. AL GREEN) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. AL GREEN of Texas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 3329, the Homes for Heroes Act, and at this time I would like to thank the House leadership for allowing this legislation to come before the House expeditiously. I also thank Chairman FRANK, the chairperson of the Financial Services Committee, for his outstanding service in helping us with this piece of legislation. Congresswoman WATERS, who chairs the Subcommittee on Housing, is to be given a debt of gratitude as well, because without her help we could not have brought the bill to fruition. The staff has been outstanding. Ranking Member CAPITO on the Housing Subcommittee has been of great benefit to us, as well as Congressman BACHUS, who is the ranking member on the full committee.

Mr. Speaker, of the many supporting organizations, I would like to especially thank the National Coalition for Homeless Veterans. They have been with us and they have assisted us through the process. The cosponsor and co-lead, Congressman MICHAEL MICHAUD, deserves a special expression of appreciation. He is the Chair of the Veterans Affairs Health Subcommittee. Finally, we thank the 53 cosponsors, and we appreciate greatly the bipartisan support that this legislation enjoys.

Mr. Speaker, we live in the greatest and richest country in the world. We literally have housing for our astronauts, who are in space. We have housing for our farm animals, called barns. We have housing for our cars, called garages. One of every 110 persons is a millionaire. However, I am sorry to report, Mr. Speaker, that as many are sleeping in the suites of life, too many are sleeping on the streets of life.

Mr. Speaker, we have 800,000 homeless people in our country. One-fourth, or 200,000 of them, are veterans. Approximately 16,000 veterans are homeless in the State of Texas, 2,400 in my

City of Houston. Veterans make up 11 percent of the population, yet are 25 percent of the homeless. 1.5 million veterans have incomes below poverty, and that would be $10,787 per year for a single person who happens to be a veteran. 643,000 veterans have incomes below 50 percent of poverty. That would be $5,394 per year for a single veteran. Of the homeless veterans, nearly one-half are Vietnam vets. One-half have mental illnesses. Two-thirds suffer from alcohol or substance abuse. Fifty-six percent are African American or Latino.

The passage of this legislation will help to end homelessness among our veterans. More specifically, this legislation would establish the position of Special Assistant for Veterans Affairs within HUD. This special assistant within HUD would coordinate the services of homeless veterans, serve as a liaison to the Department of Veterans Affairs, to the States and to local officials, as well as nonprofit organizations.

This bill would establish a $200 million assistance program for permanent supportive housing and services to low income veterans. Low income veterans are those who are at 50 percent of the area median income. This bill would expand the highly successful HUD Veterans Affairs Supportive Housing Program known as the HUD-VASH program. This bill authorizes 20,000 such vouchers on an annual basis.

The bill authorizes $1 million in HUD grants to assist housing and service providers with the execution of their projects. This bill would require HUD to submit a comprehensive report annually on the needs of veterans who are homeless and give an indication as to what steps are being taken under this program to eliminate homelessness among our veteran population.

Mr. Speaker, some may say that this is too little. Others may say that it is too much. It is our position that we do this before it is too late for many of our veterans.

Mr. Speaker, at this time I will reserve the balance of my time.

Mrs. CAPITO. Mr. Speaker, I rise today in support of H.R. 3329, the Homes for Heroes Act offered by the gentleman from Texas, Mr. GREEN.

In the week after our Nation celebrated its 232nd birthday, it is important that we take time to properly recognize the sacrifices of our Nation's veterans and those service men and women who are currently defending our freedoms and liberties in theaters across the world.

Like many of my colleagues, I have been to Walter Reed to visit our wounded warriors who have been injured in battle, and I am always touched by their spirit and courage. It goes without saying that our Nation and government must provide these veterans with the tools to succeed once they leave the military and the benefits they deserve for the sacrifices that they have made in the name of freedom.

This legislation improves one important aspect for our veterans, especially those who suffer from long-term physical and mental disabilities: That is access to affordable housing. The Veterans Administration is the only Federal agency that provides substantial hands-on assistance directly to homeless individuals, homeless veterans. Although limited to veterans and their dependants, the VA's major homeless specific programs constitute the largest integrated network of homeless treatment and assistance services in this country.

The Department's homeless veterans programs were first authorized in 1987 and have grown and developed during that time. The program offers a number of services that include outreach to veterans living on the streets and who otherwise would not seek assistance, long-term sheltered transitional assistance and supportive permanent housing.

According to the VA, about one-third of the adult homeless population are veterans. That is staggering, I believe, with current population estimates suggesting about 154,000 veterans are homeless on any given night. Many other veterans are considered near homeless or at risk because of their poverty, lack of support from family and friends and dismal living conditions in cheap hotels or overcrowded and substandard housing.

This legislation requires HUD to create a position within the Department to serve as a liaison to the Veterans Affairs Department. A Special Assistant for Veterans Affairs would ensure veterans receive proper access to HUD's housing assistance programs, coordinate all HUD programs and activities pertaining to veterans, and act as a liaison between HUD and the Department of Veterans Affairs.

Mr. GREEN's legislation also requires, as he noted, that HUD provide 20,000 rental vouchers for homeless veterans. It authorizes $200 million in fiscal year 2008 and such sums as may be necessary for each subsequent fiscal year. It also requires the Department to maintain a constant level of funding in coordination with rising home costs. The measure allows family members of a veteran receiving a housing voucher to maintain the voucher and the home after the veteran's death.

The bill authorizes grants to nonprofits that sponsor housing projects for veterans making less than 50 percent of the median income of an area, assists veterans in obtaining housing or homeless assistance, and assists veterans with the plan and application process for HUD assistance programs. It also includes language to assure that any voucher program would not inhibit low income tax credits that are already in place.

I would like to thank Mr. GREEN for offering this legislation and for his efforts to improve housing for our veterans.

I reserve the balance of my time.

Mr. AL GREEN of Texas. Mr. Speaker, I reserve the balance of my time.

Mrs. CAPITO. Mr. Speaker, I would like to yield such time as he may consume to my colleague the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I thank the gentlewoman for yielding.

I rise today in support of H.R. 3329, the Homes for Heroes Act, because it is past time to address the rapid growth of our Nation's homeless veterans population and enhance affordable housing opportunities for returning veterans. Permanent supportive housing remains the number one unmet need of veterans. The National Alliance to End Homelessness found that nearly half a million of our Nation's veterans are severely rent-burdened and devote more than 50 percent of their income to rent.

The bill will strengthen housing opportunities for our returning veterans by creating a Special Assistant for Veterans Affairs within the Department of Housing and Urban Development, HUD, and authorizes $200 million for new construction of low income and homeless veteran housing and 20,000 new vouchers for homeless veterans. We have a responsibility to assure the well-being of these brave men and women, true American heroes, when they return home.

Veterans are twice as likely to be chronically homeless compared to other Americans. Additional obstacles include physical and mental health-related problems, weakened social networks, high stressful occupational demands and non-transferability of skills to civilian jobs, which create the need for additional supportive services for this population.

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In fact, the Alliance to End Homelessness concluded veterans make up a disproportionate share of the homeless population. While veterans only represent 11 percent of the civilian population age 18 and over, they account for nearly 26 percent of our Nation's homeless population. This is clearly unacceptable. This disparity is especially concerning as our Nation's troops in Iraq and Afghanistan return home.

While the VA currently has over 19,000 transitional housing beds for homeless veterans and has invested in new initiatives specifically targeting at-risk populations, various Government Accountability Office, GAO, and VA studies indicate that the VA still lacks the capacity to provide timely access to health services for veterans at risk for homelessness.

I believe this bill will enhance supportive and affordable housing opportunities for veterans, and I urge all my colleagues to support this bill.

I thank the ranking member for yielding me time.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise in support of H.R. 3329, the Homes for Heroes Act.

With all the problems veterans face today, too often Congress forgets the simple things, such as housing.

After members of our military have honorably served this great nation and want to start a life with their family, our country should provide them with the assistance to do so.

When some of our veterans return from battle, their fight continues. Whether it is wrestling with the effects of PTSD or struggling to reintegrate into civilian life, it is Congress's responsibility to help them and that is what the Homes for Heroes Act does.

I am very proud of what this bill accomplishes, such as the assistance provided to low-income vets, the HUD-VA liaison created for state and local governments, and the additional services provided to veterans with mental and addictive disorders.

As the Ranking Member of the Oversight and Investigations Subcommittee under Veterans Affairs, I am aware of the unique issues facing veterans, and I thank Representative GREEN for introducing this bill.

Mr. Speaker, I urge my colleagues to support H.R. 3329.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 3329, the "Homes for Heroes Act." I urge my colleagues to support this legislation and to support our troops in their efforts to obtain homes. I thank my friend Congressman AL GREEN for this thoughtful legislation

This important piece of legislation amends the Department of Housing and Urban Development Act to establish in the Department of Housing and Urban Development (HUD) a Special Assistant for Veterans Affairs to: (1) ensure veteran access to HUD housing and homeless assistance programs; (2) coordinate all HUD programs and activities relating to veterans; and (3) serve as a HUD liaison with the Department of Veterans Affairs.

This legislation, directs the HUD Secretary to provide assistance to private nonprofit organizations and consumer cooperatives to expand the supply of supportive housing for very low-income veteran families (that is, families with incomes not exceeding 50 percent of the area median income).

H.R. 3326, amends the United States Housing Act of 1937 to: (1) make housing rental vouchers available to homeless veterans; and (2) include veterans in public housing planning.

Excludes veterans' benefits from income for purposes of HUD assisted housing rental determinations.

This legislation requires the Secretary to: (1) make grants to nonprofit entities for technical assistance in sponsoring HUD housing projects for veterans; and (2) report annually to specified congressional committees and the Secretary of Veterans Affairs on HUD activities relating to veterans.

I firmly believe that we should celebrate our veterans, and I remain committed, as a Member of Congress, to ensuring that we respect our veterans. 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 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 the great British leader Winston Churchill famously stated, "Never in the field of human conflict was so much owed by so many to so few."

With the approval of legislation on June 1, 1954, November 11th became a day to honor American veterans of all wars. Later that same year, on October 8th, President Dwight D. Eisenhower, himself a decorated veteran of war, issued the first "Veterans Day Proclamation" which stated in part: "In order to insure proper and widespread observance of this anniversary, all veterans, all veterans' organizations, and the entire citizenry will wish to join hands in the common purpose." It was with that endearing spirit that America celebrated the first Veterans Day.

We must always remember the debt that we owe our fallen veterans that have paid the ultimate sacrifice. From the four surviving World War I veterans known to be living in the United States, to the over 300,000 veterans of Operation Enduring Freedom and Operation Iraqi Freedom we expect to see by the end of 2008. Our gratitude must continue to be unwavering to our soldiers and veterans.

In the words of President John F. Kennedy, "As we express our gratitude, we must never forget that the highest appreciation is not to utter words, but to live by them." It is not simply enough to sing the praises of our nation's great veterans; I firmly believe that we must demonstrate by our actions how proud we are of our American heroes.

I urge my colleagues to support this important legislation. I believe it is necessary for the nation to act now so that we all can pay respect, tribute, and homage to the lives of the armed services veterans who have fought to keep America free and have fought to make sure that all people and nations partake in the universal freedoms that we find so important in this country. These individuals have given so much and have paid us the ultimate sacrifice: the sacrifice of their lives. The least that we can do, is ensure that these veterans are able to secure homes when they return home from battle. I urge my colleagues to support this bill.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. AL GREEN) that the House suspend the rules and pass the bill, H.R. 3329, as amended.

The question was taken.

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

Mr. FRANK of Massachusetts. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

AMERICA'S BEAUTIFUL NATIONAL PARKS QUARTER DOLLAR COIN ACT OF 2008

Mrs. MALONEY of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6184) to provide for a program for circulating quarter dollar coins that are emblematic of a national park or other national site in each State, the District of Columbia, and each territory of the United States, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6184

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 "America's Beautiful National Parks Quarter Dollar Coin Act of 2008".

TITLE I—NATIONAL SITE QUARTER DOLLARS

SEC. 101. FINDINGS.

The Congress finds as follows:

(1) Yellowstone National Park was established by an Act signed by President Ulysses S. Grant on March 1, 1872, as the Nation's first national park.

(2) The summer and autumn of 1890 saw the establishment of a number of national sites:

(A) August 19: Chickamauga and Chattanooga established as national military parks in Georgia and Tennessee.

(B) August 30: Antietam established as a national battlefield site in Maryland.

(C) September 25: Sequoia National Park established in California.

(D) September 27: Rock Creek Park established in the District of Columbia.

(E) October 1: General Grant National Park established in California (and subsequently incorporated in Kings Canyon National Park).

(F) October 1: Yosemite National Park established in California.

(3) Theodore Roosevelt was this nation's 26th President and is considered by many to be our "Conservationist President".

(4) As a frequent visitor to the West, Theodore Roosevelt witnessed the virtual destruction of some big game species and the overgrazing that destroyed the grasslands and with them the habitats for small mammals and songbirds and conservation increasingly became one of his major concerns.

(5) When he became President in 1901, Roosevelt pursued this interest in conservation by establishing the first 51 Bird Reserves, 4 Game Preserves, and 150 National Forests.

(6) He also established the United States Forest Service, signed into law the creation of 5 National Parks, and signed the Act for the Preservation of American Antiquities in 1906 under which he proclaimed 18 national monuments.

(7) Approximately 230,000,000 acres of area within the United States was placed under public protection by Theodore Roosevelt.

(8) Theodore Roosevelt said that nothing short of defending this country in wartime "compares in importance with the great central task of leaving this land even a better land for our descendants than it is for us".

(9) The National Park Service was created by an Act signed by President Woodrow Wilson on August 25, 1916.

(10) The National Park System comprises 391 areas covering more than 84,000,000 acres in every State (except Delaware), the District of Columbia, American Samoa, Guam, Puerto Rico, and the Virgin Islands.

(11) The sites or areas within the National Park System vary widely in size and type from vast natural wilderness to birthplaces of Presidents to world heritage archaeology sites to an African burial ground memorial in Manhattan and include national parks,

monuments, battlefields, military parks, historical parks, historic sites, lakeshores, seashores, recreation areas, scenic rivers and trails, and the White House.

(12) In addition to the sites within the National Park System, the United States has placed numerous other types of sites under various forms of conservancy, such as the national forests and sites within the National Wildlife Refuge System and on the National Register of Historic Places.

SEC. 102. ISSUANCE OF REDESIGNED QUARTER DOLLARS EMBLEMATIC OF NATIONAL PARKS OR OTHER NATIONAL SITES IN EACH STATE, THE DISTRICT OF COLUMBIA, AND EACH TERRITORY.

Section 5112 of title 31, United States Code, is amended by adding at the end the following new subsection:

''(t) REDESIGN AND ISSUANCE OF QUARTER DOLLARS EMBLEMATIC OF NATIONAL SITES IN EACH STATE, THE DISTRICT OF COLUMBIA, AND EACH TERRITORY.—

''(1) REDESIGN BEGINNING UPON COMPLETION OF PRIOR PROGRAM.—

''(A) IN GENERAL.—Notwithstanding the fourth sentence of subsection (d)(1) and subsection (d)(2), quarter dollars issued beginning in 2010 shall have designs on the reverse selected in accordance with this subsection which are emblematic of the national sites in the States, the District of Columbia and the territories of the United States.

''(B) FLEXIBILITY WITH REGARD TO PLACEMENT OF INSCRIPTIONS.—Notwithstanding subsection (d)(1), the Secretary may select a design for quarter dollars referred to in subparagraph (A) in which—

''(i) the inscription described in the second sentence of subsection (d)(1) appears on the reverse side of any such quarter dollars; and

''(ii) any inscription described in the third sentence of subsection (d)(1) or the designation of the value of the coin appears on the obverse side of any such quarter dollars.

''(C) INCLUSION OF DISTRICT OF COLUMBIA, AND TERRITORIES.—For purposes of this subsection, the term 'State' has the same meaning as in section 3(a)(3) of the Federal Deposit Insurance Act.

''(2) SINGLE SITE IN EACH STATE.—The design on the reverse side of each quarter dollar issued during the period of issuance under this subsection shall be emblematic of 1 national site in each State.

''(3) SELECTION OF SITE AND DESIGN.—

''(A) SITE.—

''(i) IN GENERAL.—The selection of a national park or other national site in each State to be honored with a coin under this subsection shall be made by the Secretary of the Treasury, after consultation with the Secretary of the Interior and the governor or other chief executive of each State with respect to which a coin is to be issued under this subsection, and after giving full and thoughtful consideration to national sites that are not under the jurisdiction of the Secretary of the Interior so that the national site chosen for each State shall be the most appropriate in terms of natural or historic significance.

''(ii) TIMING.—The selection process under clause (i) shall be completed before the end of the 270-day period beginning on the date of the enactment of the America's Beautiful National Parks Quarter Dollar Coin Act of 2008.

''(B) DESIGN.—Each of the designs required under this subsection for quarter dollars shall be—

''(i) selected by the Secretary after consultation with—

''(I) the Secretary of the Interior; and

''(II) the Commission of Fine Arts; and

''(ii) reviewed by the Citizens Coinage Advisory Committee.

''(C) SELECTION AND APPROVAL PROCESS.—Recommendations for site selections and designs for quarter dollars may be submitted in accordance with the site and design selection and approval process developed by the Secretary in the sole discretion of the Secretary.

''(D) PARTICIPATION IN DESIGN.—The Secretary may include participation by officials of the State, artists from the State, engravers of the United States Mint, and members of the general public.

''(E) STANDARDS.—Because it is important that the Nation's coinage and currency bear dignified designs of which the citizens of the United States can be proud, the Secretary shall not select any frivolous or inappropriate design for any quarter dollar minted under this subsection.

''(F) PROHIBITION ON CERTAIN REPRESENTATIONS.—No head and shoulders portrait or bust of any person, living or dead, no portrait of a living person, and no outline or map of a State may be included in the design on the reverse of any quarter dollar under this subsection.

''(4) ISSUANCE OF COINS.—

''(A) ORDER OF ISSUANCE.—The quarter dollar coins issued under this subsection bearing designs of national sites shall be issued in the order in which the sites selected under paragraph (3) were first established as a national site.

''(B) RATE OF ISSUANCE.—The quarter dollar coins bearing designs of national sites under this subsection shall be issued at the rate of 5 new designs during each year of the period of issuance under this subsection.

''(C) NUMBER OF EACH OF 5 COIN DESIGNS IN EACH YEAR.—Of the quarter dollar coins issued during each year of the period of issuance, the Secretary of the Treasury shall prescribe, on the basis of such factors as the Secretary determines to be appropriate, the number of quarter dollars which shall be issued with each of the designs selected for such year.

''(5) TREATMENT AS NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136, all coins minted under this subsection shall be considered to be numismatic items.

''(6) ISSUANCE.—

''(A) QUALITY OF COINS.—The Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (3) in uncirculated and proof qualities as the Secretary determines to be appropriate.

''(B) SILVER COINS.—Notwithstanding subsection (b), the Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (3) as the Secretary determines to be appropriate, with a content of 90 percent silver and 10 percent copper.

''(7) PERIOD OF ISSUANCE.—

''(A) IN GENERAL.—Subject to paragraph (2), the program established under this subsection shall continue in effect until a national site in each State has been honored.

''(B) SECOND ROUND AT DISCRETION OF SECRETARY.—

''(i) DETERMINATION.—The Secretary may make a determination before the end of the 9-year period beginning when the first quarter dollar is issued under this subsection to continue the period of issuance until a second national site in each State, the District of Columbia, and each territory referred to in this subsection has been honored with a design on a quarter dollar.

''(ii) NOTICE AND REPORT.—Within 30 days after making a determination under clause (i), the Secretary shall submit a written report on such determination to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

''(iii) APPLICABILITY OF PROVISIONS.—If the Secretary makes a determination under clause (i), the provisions of this subsection applicable to site and design selection and approval, the order, timing, and conditions of issuance shall apply in like manner as the initial issuance of quarter dollars under this subsection, except that the issuance of quarter dollars pursuant to such determination bearing the first design shall commence in order immediately following the last issuance of quarter dollars under the first round.

''(iv) CONTINUATION UNTIL ALL STATES ARE HONORED.—If the Secretary makes a determination under clause (i), the program under this subsection shall continue until a second site in each State has been so honored.

''(8) DESIGNS AFTER END OF PROGRAM.—Upon the completion of the coin program under this subsection, the design on—

''(A) the obverse of the quarter dollar shall revert to the same design containing an image of President Washington in effect for the quarter dollar before the institution of the 50-State quarter dollar program; and

''(B) notwithstanding the fourth sentence of subsection (d)(1), the reverse of the quarter dollar shall contain an image of General Washington crossing the Delaware River prior to the Battle of Trenton.

''(9) NATIONAL SITE.—For purposes of this subsection, the term 'national site' means any site under the supervision, management, or conservancy of the National Park Service, the United States Forest Service, the United States Fish and Wildlife Service, or any similar department or agency of the Federal Government, including any national park, national monument, national battlefield, national military park, national historical park, national historic site, national lakeshore, seashore, recreation area, parkway, scenic river, or trail and any site in the National Wildlife Refuge System.

''(10) APPLICATION IN EVENT OF INDEPENDENCE.—If any territory becomes independent or otherwise ceases to be a territory or possession of the United States before quarter dollars bearing designs which are emblematic of such territory are minted pursuant to this subsection, this subsection shall cease to apply with respect to such territory.''.

TITLE II—BULLION INVESTMENT PRODUCTS

SEC. 201. SILVER BULLION COIN.

Section 5112 of title 31, United States Code, is amended by inserting after subsection (t) (as added by title I of this Act) the following new subsection:

''(u) SILVER BULLION INVESTMENT PRODUCT.—

''(1) IN GENERAL.—The Secretary shall strike and make available for sale such number of bullion coins as the Secretary determines to be appropriate that are exact duplicates of the quarter dollars issued under subsection (t), each of which shall—

''(A) have a diameter of 3.0 inches and weigh 5.0 ounces;

''(B) contain .999 fine silver;

''(C) have incused into the edge the fineness and weight of the bullion coin;

''(D) bear an inscription of the denomination of such coin, which shall be 'quarter dollar'; and

''(E) not be minted or issued by the United States Mint as so-called 'fractional' bullion coins or in any size other than the size described in paragraph (A).

''(2) AVAILABILITY FOR SALE.—Bullion coins minted under paragraph (1)—

''(A) shall become available for sale no sooner than the first day of the calendar year in which the circulating quarter dollar

of which such bullion coin is a duplicate is issued; and

''(B) may only be available for sale during the year in which such circulating quarter dollar is issued.

''(3) DISTRIBUTION.—

''(A) IN GENERAL.—In addition to the authorized dealers utilized by the Secretary in distributing bullion coins and solely for purposes of distributing bullion coins issued under this subsection, the Director of the National Park Service, or the designee of the Director, may purchase numismatic items issued under this subsection, but only in units of no fewer than 1,000 at a time, and the Director, or the Director's designee, may resell or repackage such numismatic items as the Director determines to be appropriate.

''(B) RESALE.—The Director of the National Park Service, or the designee of the Director, may resell, at cost and without repackaging, numismatic items acquired by the Director or such designee under subparagraph (A) to any party affiliated with any national site honored by a quarter dollar under subsection (t) for repackaging and resale by such party in the same manner and to the same extent as such party would be authorized to engage in such activities under subparagraph (A) if the party were acting as the designee of the Director under such subparagraph.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. MALONEY) and the gentleman from Delaware (Mr. CASTLE) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Mrs. MALONEY of New York. Mr. Speaker, I ask unanimous consent all that Members may have 5 legislative days in which to revise and extend their remarks on this legislation and insert any extraneous material as they so wish.

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

There was no objection.

Mrs. MALONEY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 6184, America's Beautiful National Parks Quarter Dollar Coin Act, introduced by my good friend and colleague from Delaware, Congressman CASTLE.

I have had the great pleasure to work with Mr. CASTLE on several coin bills of this nature in the past, the very successful State quarters and most recently the Presidential dollars. I am proud to be the Democratic lead sponsor of this bill, and I am happy to report that it has strong bipartisan support, as shown by the fact that it passed out of the Financial Services Committee on a unanimous vote in support.

I want to thank Congressman CASTLE for all of his hard work on this legislation, as well as Chairman FRANK for his support, and the support of the staff of the Financial Services Committee and our individual staffs for their hard work on this bill. Of course, all of us love our national parks, and especially those of our home State, which will be honored on each of these coins.

Beginning in 2010, new quarters will bear a design representing a national park or site in each State and the District of Columbia at the rate of 5 new designs a year. The sites will be selected at the beginning of the process by the Secretary of the Treasury in consultation with the States, and the coins will be minted in the order in which the sites selected were established as national sites, which I think is a very clever touch.

As a former teacher and educator, I am always excited about the new designs on everyday coins because they encourage more Americans of all ages to pay attention to the coins in your pockets and learn a few facts about what is depicted. I can say of the very successful State quarter program, it became a very popular teaching tool. Many teachers devised lesson plans around the quarters, and many of my constituents collected these coins. My own daughter had a book with each of the quarters in it; and many people would ask me, when is the next quarter coming out? And because it was so successful, the 50 State quarter program raised $6.2 billion over the past 10 years of its life span which is just ending this year. And we can hope that we will have similar results from this series of coins.

Mr. Speaker, I urge my colleagues on both sides of the aisle to support this legislation. It is an education tool. It also will generate needed revenues for our Treasury.

I reserve the balance of my time.

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

Mr. Speaker, I rise in support of H.R. 6184, the America's Beautiful National Parks Quarter Dollar Coin Act of 2008, which I am pleased to support with my friends, the gentlelady from New York (Mrs. MALONEY), and I appreciate her kind comments here on the floor, and the gentleman from Chicago (Mr. GUTIERREZ).

This is an easy bill to understand and I hope an easy bill to like. It was popular enough, as the Congresswoman from New York pointed out, in committee to have passed by a 58–0 vote 2 weeks ago.

We all know the popular 50 State quarters program which sequentially honored every State in the Union with a design of its choosing on the back of the quarter. There are just two more States, Alaska and Hawaii, to be honored. Next year, there will be quarters honoring the District of Columbia, Puerto Rico and the territories, and the program will be done.

Mr. Speaker, the 50 State quarters program met or exceeded every goal. It honored every State in such a way that educated the rest of the country about things that made that particular State so special. The national parks quarters program is a follow-up to the State quarters, and I believe nothing could be more logical than recognizing the sites all America hold most dear, places like Yosemite, Yellowstone, or Glacier National Park.

The national parks quarters program will focus on the great natural beauty of our country or on other national sites important to history or conservation, such as seashores, forests, wildlife refugees, or monuments.

Just to mix things up a little, instead of honoring the States in the order they were admitted to the Union, this legislation honors national sites in the order in which they were recognized. I note with some chagrin but in the spirit of fairness, Mr. Speaker, that this will honor the western States that joined the Union later before the original 13 States, and ensures that my own State of Delaware will not again be first. As a matter of fact, we do not have a national park; we will be last in this particular sequence.

The bill also creates a special new investment-grade coin that will be three inches in diameter and made of five ounces of silver. These noncirculating coins will bear exact duplicates of each quarter and will be available only in the year in which the equivalent quarter's design is issued. Although normally our investment-grade coins are distributed only through a small network of highly specialized dealers, this legislation allows the National Park Service to buy these bullion coins in bulk so they may be sold as souvenirs to visitors.

The national park quarters program will start in 2010, after the completion of D.C. and the territories quarters, which is why it is so important for us to send this bill to the Senate and President quickly. We must ensure adequate time is given for the United States Mint to work with the Interior Secretary, other Federal officials, and State Governors to honor the best sites and choose each design. The Mint has done a terrific job with the State quarters, and I have great faith that the artists, engravers, and the excellent staff there will do a great job for this program as well.

Mr. Speaker, I am proud to work on this effort with Mrs. MALONEY, who joined me as a tireless and skilled supporter of the Presidential $1 Coin Act and with Mr. GUTIERREZ who chairs the Domestic and International Monetary Policy Subcommittee that I once chaired. Their input and suggestions from the Mint before introduction of this bill have certainly improved it. I would also like to thank Chairman FRANK for his willingness to move this bill along. I urge immediate passage of this bill, and urge the other body to move it on as swiftly as well.

I would point out to the Speaker that the District of Columbia, Puerto Rico, and the territories are included already in this legislation, which they were not originally as we know in the 50 State quarters program.

I yield to Mr. PRICE such time as he may consume.

Mr. PRICE of Georgia. I thank the gentleman for yielding, and I thank him for his leadership on this issue, the national parks quarter bill. We have in

my district the Chattahoochee River National Recreation Area, which is under the National Park Service, the longest linear park in the Nation, 48-mile linear park, and so I am pleased to support this bill.

The concern that I have, however, about the national parks is that, Mr. Speaker, more and more Americans aren't able to get to them, and they aren't able to get to them because of the price of gasoline. And so what we ought to be doing here as the House of Representatives, in addition to recognizing the wonderful work of the National Park Service, is to do all that we can to make certain that the number one issue of Americans across this Nation is addressed. That issue is energy policy and gas prices. So I come to the well today to lend my support to those who are trying to move forward in a positive way as it relates to energy policy for our Nation.

We have, Mr. Speaker, as you know, a number of bills that aren't being brought to the floor because the Speaker doesn't want them to come to the floor, is not interested in increasing supply of oil for Americans, American energy for Americans. There are a number of discharge petitions, which is the only avenue that Members of the House have when their bills are bottled up when they can't get to the floor. We have four of them that are available right now.

One is the No More Excuses Energy Act that would increase the ability of new refineries to be brought on line in the United States. Mr. Speaker, we haven't had a new refinery built in this Nation in over 30 years, and the problem with that is that we can't get product to the retail market. We cannot increase the supply if you don't have increase in refineries. That is H.R. 3089.

Mr. Speaker, there is another one, H.R. 2279, which would expand the refining capacity on closed military installations, one of those that allows for increasing refining capacity on land that is currently not even being used, Federal land that is not being used. And this is important as it relates to national parks, because again, Mr. Speaker, my constituents are having trouble getting to the national parks because of the price of gasoline. And this House is not acting because the leadership, the Speaker and her leadership, are not interested in bringing forward bills that increase supply.

Another one is H.R. 5656, which would repeal the ban on acquiring alternative fuels. Mr. Speaker, we were home last week, and one of the things I heard from my constituents as I know folks heard all across this Nation is: You have got to solve the energy problems. You have got to solve the gas price problem.

One of the ways to do that is to conserve. Yes, there is no doubt about it. Another way is to increase supply. We have talked a lot about that. Another way in the long run is to make certain that we have got the kind of technology available to provide for alternative fuel.

This is a bill, H.R. 5656, that would allow for increasing accessibility to mechanisms to bring alternative fuels on line, diverse sources of fuels like oil shale and tar sands and coal-to-liquid technology.

I was surprised to learn, Mr. Speaker, as I know you were that the United States has one of the largest resources of oil shale in the world. In the world. So much so that the estimate is that we could get over 2 trillion barrels of oil out of the oil shale, oil sands that is American resource. American resource.

Now, 2 trillion is a big number. It has got a lot of zeroes after it. What does it really mean, 2 trillion barrels of oil? Well, just to put it in perspective, Mr. Speaker, the world has used 1 trillion barrels of oil since 1875. Mr. Speaker, the world has used 1 trillion barrels of oil since 1875. We Americans possess, our natural resources, the ability to gain 2 trillion barrels of oil without any influence from a foreign source, without utilizing any foreign source or any foreign technology. We could do that right now if we were able to have this House and Senate act.

So this is remarkable, remarkable information. It is important that the Members of the House know this. It is important that all Americans know this. Because we have within our capacity the ability to become not just less reliant on foreign oil but self-sufficient on American oil. American energy for Americans. That is what it is all about. That is what we hear when we go home.

So why, Mr. Speaker, why will this House not be allowed to vote on H.R. 5656? Or H.R. 2279? Or H.R. 3089? Or the one that has brought a discharge petition this week H.R. 2208, which is the Coal to Liquid Fuel Act, which would reduce the price of gasoline by encouraging the use of clean coal technology?

□ 1400

Mr. Speaker, as you also know, we in the United States possess the world's largest reserves of coal, and technology has changed so drastically over the past 20 to 30 years, that now it is possible in an environmentally sensitive and sound way, and responsible way, to gain natural gas, to gain gasoline from liquid coal, from coal-to-liquid technology, energy for Americans, American energy for Americans.

But what is happening here in the House of Representatives when it comes to energy policy? Nothing, Mr. Speaker. Nothing. And so when I went home last week, I know I heard what all of our colleagues did, and that is the House has got to act. The House has got to act. The frustration level of the American people is huge. And it ought to be. Their anger is huge, and it ought to be.

I encourage my colleagues to communicate to the Speaker's office, to let the Speaker know that we want to vote on these bills. I don't know how the vote will turn out, but I do know that the constituents of my district and the constituents of districts all across this Nation want to know how their Member will vote on these bills. It is imperative, American energy for Americans.

Once again, I want to thank my good friend from Delaware for providing me this time, and getting to the issue of the national parks in a little side way manner, but I think it is important. I think it is important because our constituents, I know, want us to solve the issue of energy so they can visit the national parks, the beautiful national parks all across this Nation.

Mr. CASTLE. Mr. Speaker, I am prepared to yield back our time at this point.

Mrs. MALONEY of New York. Mr. Speaker, I would like to respond to my dear friend and colleague on the other side of the aisle who has attacked the Speaker of this House really unfairly and with false statements.

The point is and the reality is that we have two oil men in the White House and their policies are the ones that have benefited Big Oil and hurt the American consumer. Now under the leadership of the Democratic Speaker and the New Direction Congress, we have been passing solutions for the first time to help American consumers and to help this country move into the 21st century with policies that are important for conserving energy, renewable energy, efficient technologies, and reducing energy prices for the long run.

No, I will not yield. I have my time; you had yours.

First of all what, the New Direction Congress passed was the first new vehicle fuel-efficiency standards in 32 years. We also passed an historic commitment to affordable American-grown biofuels. If the other side of the aisle was interested in moving us into the 21st century and conserving energy, why in the world didn't they pass new vehicle fuel-efficiency standards? We passed it. This Congress passed it. The Democrats passed it, and are forcing the car builders and others to move in with fuel-efficient standards.

We also took action to lower gas prices by suspending oil purchasing for the Strategic Petroleum Reserve. These are very important initiatives.

Now the gentleman on the other side of the aisle, my very good friend, talked about the need to build new refineries. Well, ExxonMobil, Chevron, ConocoPhillips, BP and Shell have publicly stated that they have no plans to build new refineries; instead, they prefer to expand existing facilities. These are their statements. Shell and BP all testified that they were unaware of any environmental regulations preventing them from building new refineries or expanding old ones. They can do that now.

Internal memos from oil companies make it very clear that oil companies decided that they needed to reduce refinery capacity to drive up their profits. And the New Direction Congress is

continuing to bring real relief to those feeling the pinch of the high gas and diesel prices, and ensuring the needs of families and businesses are put before the interests of Big Oil companies.

Now my dear friend on the other side of the aisle talks about drilling, drilling, drilling, drilling, as if we could drill ourselves out of the challenges we face.

The fact is that there are over 68 million acres on shore and offshore in the United States of America that are currently leased by oil companies and they are open to drilling and actually under a lease to do so but are not developed. Now we are talking about leases on 68 million acres of land that is owned by the American people. Now what Chairman RAHALL says is use it or lose it, and I think he is absolutely correct. I support his bill, to say that you either drill on those 68 million acres or you give up your lease and let someone else drill there. That's what the Democrats are saying. We are not going to hand out more leases to the oil companies on public land that is owned by the public and is the land and the reserves of this country. We are saying to them if you have a lease, you use that lease. You drill. You're not going to get another one. And if you're not going to drill, then let's put it out for competitive bid and let someone else come forward and drill on that land.

The fact is that 80 percent of the oil available on the Outer Continental Shelf is in regions that are already open to leasing, but the oil companies haven't decided if it is worth their time to drill there. The fact is that drilling in the Arctic Wildlife Refuge wouldn't yield any oil for 10 years, and then would only save the customer, the consumer, 1.8 cents per gallon in 2025. The fact is that America uses a quarter of the world's oil consumption every day, but only 1.6 percent of the world's supply, so there is simply no way to drill ourselves to a solution.

I repeat, while my colleagues were running this body, where were their solutions? I didn't see any. I didn't see them raising the mile per gallon of gas, I didn't see them conserving. I didn't see them investing in biofuels or moving forward with innovative energy solutions, as this new Democratic leadership has been doing. They have just held onto the failed policies of the past which have gotten us to where we are. As I repeat, we have two oil men in the White House that have been behind these policies.

So I would say that the Democratic leadership has done a great deal to help the American consumer. They are facing many challenges. Their wages are stagnant. The price of gasoline is now over $4 a gallon. The price of milk is over $4 a gallon. So they are facing really inflation and many, many challenges.

The Democratic leadership has come forward with a stimulus package to help the American taxpayer, the American citizen. We have come forward with a fuel-efficiency standard. We have come forward with many hearings today on the possible manipulation of oil in the futures market so that we can curb those abuses if they are documented. We are for drilling on the 68 million acres that are currently under contract and should be drilled on.

So this Congress, I congratulate the leadership of Speaker PELOSI and the Democrats and the relevant committees. We have passed legislation, the Renewable Energy and Job Creation Act. We have passed the Gas Price Relief for Consumers Act. We have passed the Energy Price Gouging Prevention Act which will provide consumer relief by giving the Federal Trade Commission the authority to investigate and punish those who artificially inflate energy prices. President Bush has threatened a veto of this very commonsense consumer protection measure.

So I say with all due respect to my wonderful colleagues and friends on the other side of the aisle, where were your ideas when you could pass them? Where are your ideas now? The ones that we are passing that helps the consumer and moves this country into the 21st century, and that makes a profitable use of land that is owned by the American people instead of giving more, and in many cases in a no-bid process to oil companies who are just sitting on it and not doing anything to help the American consumer.

So I would say you brought it up, so I am just responding to some of your allegations.

I feel this is such an important issue that I would like to yield 2 minutes to my distinguished colleague from the great State of New York, Congressman SERRANO, on H.R. 6184, and I thank him for his leadership on this important bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ROSS). All Members are reminded to address their remarks to the Chair.

Mr. SERRANO. Mr. Speaker, I would like to try something innovative. I want to discuss the bill before us and not this other discussion we had on drilling. While I understand the importance of it, we were discussing a bill, for those Americans who were watching who might have forgotten by now, on putting national parks on the backs of quarters. And I want to congratulate both Mr. CASTLE and Mrs. MALONEY and the committee for including the Territories. As the gentleman from Delaware stated, he alluded to the Speaker and the fact that I have great concern about the involvement of the Territories and the recognition.

When the original quarters program came about, I was dismayed at the fact that the territories and the District of Columbia were not included. Last year in an appropriations bill, we expanded the program to include D.C. and the Territories.

What you have done today is you have picked up on that and now have started a new era, I believe, where the Territories and the District of Columbia will become part of every discussion we have here from postage stamps to coins to, in many other areas, fairness across the board.

When that first quarter comes out, both the one for the national parks and the one for the regular quarters program with Puerto Rico on it, since Puerto Rico is of great concern to me, having been born there before moving to New York, many people throughout the country will actually ask, Why is Puerto Rico on the back of a quarter in the United States? And that will start a proper discussion as to the fact that we not only include in the American family the 50 States, but we include the District of Columbia and the Territories. That in the Territories are American citizens, American citizens who served this country at wartime and peacetime, and who, in fact, at any moment can participate in all parts of American society but are always forgotten.

So something as symbolic and perhaps to some people as unimportant as making sure that when these quarters come out with national parks, they include Puerto Rico and the Territories, is very important.

Mrs. MALONEY of New York. I thank the gentleman for his statement. He has been a strong advocate for the Territories. He raises and highlights an important point that the Territories are included, and I appreciate his recognizing the many contributions from the citizens of Puerto Rico and other Territories to our great country.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time and urge my colleagues to support this creative bill that is before us. I hope that it passes unanimously and moves to the Senate with swift passage.

PARLIAMENTARY INQUIRY

Mr. CASTLE. Mr. Speaker, may I ask for a point of clarification.

The SPEAKER pro tempore. The gentleman from Delaware.

Mr. CASTLE. About 10 or 15 minutes ago, I said I was prepared to yield back the balance of my time. I don't know if there was a ruling on that.

The SPEAKER pro tempore. Does the gentleman ask unanimous consent to reclaim his time?

Mr. CASTLE. Mr. Speaker, I ask unanimous consent to reclaim my time.

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

Mrs. MALONEY of New York. I do object. We have a system. We have gone through it, and I feel we should move to a vote.

The SPEAKER pro tempore. Objection is heard.

Mr. CASTLE. Mr. Speaker, could I get a clarification.

The SPEAKER pro tempore. The gentleman from Delaware.

Mr. CASTLE. I'm not certain I yielded back the balance of my time. I don't

know who was responsible in the Chair at that point, but I indicated I was prepared to yield back. I'm not sure if there was a ruling at that time. Could that be clarified.

□ 1415

The SPEAKER pro tempore. The Chair heard the gentleman utter the words that he did yield back the balance of his time.

Mr. CASTLE. The words I uttered were, ''I am prepared to yield back the balance of my time.'' And then I believe the gentlewoman from New York was called on at that point without the ruling from the Chair. That's why I am asking for the clarification.

Mrs. MALONEY of New York. If the gentleman feels so strongly about it, he has worked so hard on this bill, it's a successful bill, and we hope to have another successful bill, so I will allow the gentleman to reclaim his time.

I would inquire how much time remains on both sides, Mr. Speaker.

The SPEAKER pro tempore. The gentlewoman from New York, who has yielded back the balance of her time, had 6½ minutes remaining. The gentleman from Delaware had 9½ minutes remaining before he yielded back the balance of his time.

Mrs. MALONEY of New York. Mr. Speaker, I ask for reciprocity. If he is reclaiming his time, then I would like to reclaim my time.

The SPEAKER pro tempore. Does the gentleman from Delaware ask unanimous consent to reclaim his time?

Mr. CASTLE. I do ask unanimous consent to reclaim our time.

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

There was no objection.

The SPEAKER pro tempore. Does the gentlewoman from New York ask unanimous consent to reclaim her time?

Mrs. MALONEY of New York. I do ask unanimous consent to reclaim my time.

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

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware.

Mr. CASTLE. Thank you very much, Mr. Speaker.

At this time I would yield to the gentleman from Oregon (Mr. WALDEN) such time as he may consume.

Mr. WALDEN of Oregon. Mr. Speaker, I want to thank my colleague from Delaware and congratulate him and our colleague from New York on this legislation and just advise the body that Oregon, once again, is in the lead when it comes to recognizing national parks as our quarter. The design for the back of it for our State was processed through a very public effort. They picked Crater Lake National Park as the park to recognize on the back of the quarter. And so we're already in the lead, and it's a wonderful national park; and as my colleague from Georgia talked about earlier, it's also one you have to drive a great distance to get to.

When I was in my home county this last week, diesel was $5.08 a gallon. Gasoline was $4.39 a gallon. And if this is the result of the new Democratic direction for the Congress and for the country, then I hope we're at about the end of this new direction because it's taken us to a dead-end.

Now, I just wanted to point out a clarification, I guess, in terms of these leases we've heard so much about. My understanding is that when the Democrats were last in charge, they actually voted a law to extend the length of those leases that the oil companies had. And I would like to see them, the oil companies, process these leases and move forward with development because that's what I think America needs, more energy, more American energy. And yet this Congress has refused to even allow a vote, afraid to even allow a vote on accessing the 85 percent of the offshore resource that is not available. It's not available. And if the argument is that we would be better off by accessing the leases already there, then the argument really is adding to supply matters and that adding to supply will result in lower gas and lower diesel costs.

So then it seems logical to presume that accessing America's great reserves, the Outer Continental Shelf, would not only create new oil and gas supplies for America and American consumers, it would also generate royalty dollars for government services.

I have been working on legislation that would deal with the twin issues of energy policy for America that creates new gas, new diesel, new access to oil, as well as fund the biggest investment in renewable energy this Congress has seen and help those lowest income among us with their home heating bills and take care of the neglected challenge this Congress has refused to take up and pass, and that is help for our counties that are dominated by Federal lands.

So we would pay for 5 years in county timber payments. We would fully fund the commitment to rural counties for payment in lieu of taxes. We would put $1 billion into LIHEAP and $3.1 billion into developing renewable energy.

Now, my colleague from New York said, What did Republicans do when they were in charge? Well, we passed bill after bill after bill that raised conservation standards on appliances. We invested in the newest and futuristic technology trying to drive the basic science in hydrogen fuel cell development. We supported efforts to extend successfully, I might add, the tax credits for wind energy and geothermal and solar and the things that I think will give us a great future in renewable energy.

But we have a here-and-today problem that this Congress and its leadership fails to address. I don't know where my colleagues on the other side of the aisle were over the Fourth of July, but I was home with real people. They're hurting. There are truckers who are losing their jobs. There are farmers who tell me it costs hundreds of dollars to fill a tank in their tractor, and fertilizer has doubled in cost. There are families who can't go to their kids' summer games because it costs $87 to fill the Voyager van. If this is the new direction that the Democrats in this Congress have for America, I've got to tell you it's a dead-end direction and it needs to change.

Why not give us at least the opportunity in this great House, this great place where Americans come together to debate issues, to at least allow a vote to access the energy reserves we know are out there on Federal land or in the Outer Continental Shelf, up in Alaska? And if it fails, it fails. The Congress will have spoken in the House. But so far we have gone through, as a result of the Democrat leadership, the most incredible—this reminds me of the game of Twister. We are so convoluted and upside down and twisted to avoid any vote that it is reprehensible.

So, Mr. Speaker, I both support not only the act before us today, but I call for this House to at least allow a vote that I think would not only be bipartisan, as it was in 2006 when we passed, in this House, overwhelmingly with 40 Democrats supporting our efforts to get at our offshore oil resource. It would be an overwhelming bipartisan vote. And isn't that what democracy is really all about? You put an issue up on the table, you allow a vote, and we live with the outcome.

So I ask for that opportunity, Mr. Speaker, just as we're voting today on this wonderful bill to allow national parks to have a coin. As I said, Oregon has been at the forefront on that issue just as we are on renewable energy. Let's have a vote. Let's not have a vote like we had when we passed the Energy Act of 2007 that said if another country is making oil from tar sands, don't let the American military use it. Or like was stuffed in that bill a provision that said if you could take woody biomass and turn it into an ethanol-like fuel, don't count that against the ethanol fuel standard. Why is that in there?

Why can't you use the great resource of our American forests, convert them into ethanol using cellulosic technology, which Republicans and Democrats both agree need to happen? But then to say, Oh, but if you succeed at that, it doesn't count towards this out-of-control ethanol standard because we wouldn't want to count woody biomass off of Federal forests or unless it's specifically grown for that purpose, as ethanol, it can be used for a fuel standard in America. No. We would rather rely on corn, I guess. And that hasn't helped us a lot.

So I think we have invested in new technologies when Republicans were in control. We invested in new science.

We also tried to expedite access to America's great reserves. Every other country on the planet that has an ocean exercises its right to its own reserves, and yeah, it might take 10 years, but if Bill Clinton, former President, hadn't vetoed access into Alaska's reserves, we would be pumping a million to a million and a half barrels out a day. America uses, I think, what is it, 20 million barrels a day? We produce 5. Where would we be if President Clinton hadn't vetoed that? We would be a lot better off, folks, because the world produces about 85 million barrels a day and consumes 86, or thereabouts.

This has a lot of things around it: certainly money supply, value of the dollar, inflation, speculators, who knows what. But at its core, until we bridge to the next generation of fuel for our vehicles, we have a here-and-now problem at the gas pump, at the diesel pump, and at the American budget.

The families in this country are hurting, hurting; and if you're not hearing that on the other side of the aisle, you're not going home and listening. You can't hide forever on the ability to access America's resources. You can't stop the country from demanding a vote. Just one vote. Give us a vote, up-or-down, clean, simple, the way democracy is supposed to work here in this House. But no.

The appropriations process ground to a halt. There might be a vote on energy. Every other bill that might have anything to do with energy ground to a halt. Heck, even declaring a wild and scenic river in Massachusetts had to be pulled because it dealt with LNG. Ground to a halt.

This country is grinding to a halt. It's time for a change in how this Congress acts.

Mrs. MALONEY of New York. The gentlewoman has no further speakers, but I wonder if the gentleman on the other side of the aisle yields back his time.

Mr. CASTLE. We do have an additional speaker.

Mrs. MALONEY of New York. I reserve the balance of my time.

Mr. CASTLE. I will yield such time as he may consume to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Speaker, how much time remains on our side?

The SPEAKER pro tempore. The gentleman from Delaware has 1½ minutes remaining.

Mr. PRICE of Georgia. I thank the Speaker.

I thank my good friend from Delaware for allowing me to comment on a few of the comments that have been made by the gentlelady from New York and try to set the record straight a little bit.

The issue of the 68 million acres of leased land, of Federal land to gain access to oil reserves under Federal land of the United States isn't whether or not all of those have been used, it's whether or not there is any oil underneath them. And the fact of the matter, Mr. Speaker, as you well know is that in much of those areas, there is no oil underneath them, and you don't need to drill in every single acre to confirm there's no oil in adjacent acres. The technology is incredible today. So the fact that all haven't been drilled doesn't mean that the resources that are under those 68 million haven't been utilized, because they have. In fact, Mr. Speaker, 95 percent of the land that ought to be available for leasing has not been leased.

My good friend asked what happened on our watch. What happened when the Republicans were in charge. Well, Mr. Speaker, as you know, we passed the vast majority of these and they got held up in the Senate. They got held up because it requires 60 votes to move anything through the Senate. My suspicion though, Mr. Speaker, is that now there aren't 40 individuals who would stop these bills from moving forward, that the holdup is here in the House of Representatives.

My good friend from New York talks about all of the bills that have already been passed. Well, Mr. Speaker, the problem with that is that none of them, not one of them deals with increasing supply. They call it a law of supply and demand because it's a law. It's a law. If you increase the supply, you will decrease the cost at the pump. Americans know that.

Americans want a vote on supply. Mr. Speaker, give us a vote on supply. American energy for Americans.

Mrs. MALONEY of New York. Just to respond to my dear friend and colleague on the other side of the aisle, I'm very appreciative that you're supportive of the bill before us, but I want to point out that there is nothing in this bill that would in any way prevent drilling. In fact, they can drill now on 68 million acres of land on which they have a lease.

And we did have a vote, and my colleagues on the other side of the aisle did not support the vote that would compel the oil industry to start drilling or lose permits on this 68 million acres of undeveloped Federal oil reserves which they are currently warehousing and keeping domestic supply lower and prices higher. I believe that's a very balanced premarket approach. Use it or lose it. Let someone else drill there.

And industry is only using a fraction of its leases now. And refining is not an issue. Refineries are running below capacity.

□ 1430

But we have enacted in law, past laws, that are laws now, the Energy Independence and Security Act. This historic Act would increase vehicle fuel efficiency to 35 miles per gallon, and this is the first congressional increase in more than three decades. And this would be very helpful.

And I'd like to place into the RECORD an entire list of laws that have been enacted by this Democratic leadership, laws that are coming up to be considered, including cracking down on price gouging, and legislation that the House has passed and we're waiting for the Senate to act on: the Renewable Energy and Job Creation Act, the Gas Price Relief for Consumers Act, the Energy Price Gouging Prevention Act. These are all important concrete steps, not rhetoric, but concrete steps to help consumers.

NEW DIRECTION LEGISLATION

ENACTED INTO LAW

Energy Independence and Security Act in 2007—Historic energy legislation with provisions to combat oil market manipulation, increase vehicle fuel efficiency to 35 miles per gallon in 2020—the first Congressional increase in more than three decades—and promote the use of American biofuels. Signed into law, December 19, 2007.

Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act—Temporarily suspends the filling of the SPR, starting June 30th, to put more oil on the market to help drive down gasoline prices. Signed into law, May 19, 2008.

Food, Conservation, and Energy Act of 2008—The new Farm Bill makes an historic commitment to more affordable American biofuels and increases Commodity Futures Trading Commission (CFTC) oversight authority to detect and prevent manipulation of energy prices. President Bush vetoed this bill, but the Congress overrode that veto.

RECENT AND UPCOMING LEGISLATION

Reducing Transit Fares (H.R. 6052)—Gives grants to mass transit authorities to lower fares for commuters pinched at the pump and expand transit services.

Cracking Down on Price Gouging (H.R. 6346)—Gives enforcement authority to the Federal Trade Commission to investigate and punish those who artificially inflate fuel prices.

''Use It Or Lose It'' for Oil Companies Holding Permits and Not Drilling—Compels the oil industry to start drilling or lose permits on the 68 million acres of undeveloped federal oil reserves which they are currently warehousing, keeping domestic supply lower and prices higher.

Further Close the ''Enron Loophole'' for Petroleum Markets—Takes steps to curb excessive speculation in the energy futures markets, which experts have noted is driving up the price of a barrel of oil.

LEGISLATION THAT THE HOUSE HAS PASSED

Renewable Energy and Job Creation Act—Extends and expands tax incentives for renewable energy (including incentives for plug-in vehicles), retains and creates hundreds of thousands of green jobs, spurs American innovation and business investment, and cuts taxes for millions of Americans. The President has threatened a veto.

The Gas Price Relief for Consumers Act—Combats record gas prices by authorizing lawsuits against oil cartel members for price fixing, and creating an Antitrust Task Force to crack down on anticompetitive behavior or market manipulation. President Bush has threatened a veto.

Energy Price Gouging Prevention Act—This bill will provide consumer relief by giving the Federal Trade Commission (FTC) the authority to investigate and punish those who artificially inflate energy prices. President Bush has threatened a veto.

I'd like to remind my dear colleagues on the other side of the aisle that when President Bush came to office he had a $5 trillion projected surplus. We now

have a series of records that have been given to us by the Republican leadership, only they are the wrong kinds of records.

We have record debt that is galloping towards $9 trillion. Each and every American owes over $30,000 to this debt. We have the largest trade deficit in the history of this country, over $900 billion, and we have the largest deficit in the history of this country. We have lost more jobs in the first half of this year than have been lost since the Great Depression, and if we continue at this rate, we will lose over 1 million jobs in this year.

Now, that is the record of the Republican leadership. But what is before us is a very important bill, one that I support, one that I urge my colleagues to support. And I urge my colleagues to support consideration of H.R. 6184, and I hope that we will have a bipartisan commitment to passing this legislation.

Mr. KING of New York. Mr. Speaker, today I rise in support of America's Beautiful National Parks Quarter Dollar Coin Act (H.R. 6184) introduced by the Gentleman from Delaware. It's a good bill and a good follow-up to his 50-State quarter bill we have all enjoyed. However, Madam Speaker, I would like to make a point in the process of supporting this bill.

The idea of following the State quarters by honoring national parks is a very good idea, and I salute Mr. CASTLE and his co-sponsors, Mrs. MALONEY and Mr. GUTIERREZ. I even want to suggest a place in my district as the one for the back of the New York quarter—the Sagamore Hill National Historic Site, the beautiful summer home of former President Theodore Roosevelt, in Oyster Bay.

But that brings me to the point I'd like to make Mr. Speaker. Teddy Roosevelt, as the bill itself notes, is known as the first great champion of the country's National Parks, and in my view, the front of this new coin should bear the image of Teddy Roosevelt.

I, of course, mean no disrespect to George Washington. He was the Father of our Country, and his image has appropriately been on the one-dollar bill and the quarter. But I think, as a recent editorial in Coin World magazine pointed out, that it's about time we honor Teddy Roosevelt by placing his image on U.S. currency—after all, he's the only one of our four great Presidents honored on Mount Rushmore, who does not appear on a U.S. coin or banknote.

Mr. Speaker, I do not mean to criticize this legislation, and I intend to vote for it enthusiastically. But I hope all Members will think about the fact that without Teddy Roosevelt's championing of the ideas of conservation and National Parks, we would still have national parks, but the commitment to them would not have been as great, or so early. So, I hope the sponsors of this bill will work with me to help find a place somewhere in the U.S. system of money for the image of the great Rough Rider on a coin or banknote.

With that I urge adoption of the bill.

Mrs. MALONEY of New York. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. MALONEY) that the House suspend the rules and pass the bill, H.R. 6184.

The question was taken.

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

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

The yeas and nays were ordered.

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

FEDERAL LAND ASSISTANCE, MANAGEMENT AND ENHANCEMENT ACT

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5541) to provide a supplemental funding source for catastrophic emergency wildland fire suppression activities on Department of the Interior and National Forest System lands, to require the Secretary of the Interior and the Secretary of Agriculture to develop a cohesive wildland fire management strategy, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5541

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Federal Land Assistance, Management and Enhancement Act'' or ''FLAME Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Flame Fund for catastrophic emergency wildland fire suppression activities.
Sec. 3. Cohesive wildland fire management strategy.
Sec. 4. Review of certain wildfires to evaluate cost containment in wildland fire suppression activities.
Sec. 5. Reducing risk of wildfires in fire-ready communities.

SEC. 2. FLAME FUND FOR CATASTROPHIC EMERGENCY WILDLAND FIRE SUPPRESSION ACTIVITIES.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term ''Federal land'' means the following:

(A) Public lands, as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

(B) Units of the National Park System.

(C) Refuges of the National Wildlife Refuge System.

(D) Lands held in trust by the United States for the benefit of Indian tribes or individual Indians.

(E) Lands in the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

(2) FLAME FUND.—The term ''Flame Fund'' means the Federal Land Assistance, Management, and Enhancement Fund established by this section.

(3) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) the Secretary of the Interior, with respect to Federal land described in subparagraphs (A), (B), (C), and (D) of paragraph (1); and

(B) the Secretary of Agriculture, with respect to National Forest System land.

(4) SECRETARIES.—The term ''Secretaries'' means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

(b) ESTABLISHMENT AND AVAILABILITY OF FLAME FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the Federal Land Assistance, Management, and Enhancement Fund.

(2) CONTENTS.—The Flame Fund shall consist of the following amounts:

(A) Amounts appropriated to the Flame Fund pursuant to the authorization of appropriations in subsection (c).

(B) Amounts transferred to the Flame Fund pursuant to subsection (d).

(3) AVAILABILITY.—Subject to subsection (e), amounts in the Flame Fund shall be available to the Secretaries to pay the costs of catastrophic emergency wildland fire suppression activities that are separate from amounts annually appropriated to the Secretaries for the predicted annual workload for wildland fire suppression activities, based on analyses of historical workloads and anticipated increased workloads due to changing environmental or demographic conditions.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Flame Fund such funds as may be necessary to carry out this section. It is the intent of Congress that the amount appropriated to the Flame Fund for fiscal year 2009 and each subsequent fiscal year equal the average amount expended by the Secretaries for emergency wildland fire suppression activities over the five fiscal years preceding that fiscal year.

(2) SENSE OF CONGRESS ON DESIGNATION OF CERTAIN APPROPRIATIONS AS EMERGENCY REQUIREMENT.—It is the sense of Congress that the amounts appropriated to the Flame Fund that are above the average of the obligations of the preceding 10 years for wildland fire suppression in the Forest Service and the Department of the Interior, adjusted for inflation, should be designated as amounts necessary to meet emergency needs, and the new budget authority and outlays resulting therefrom should not count for the purposes of titles III and IV of the Congressional Budget Act of 1974.

(3) NOTICE OF INSUFFICIENT FUNDS.—The Secretaries shall notify the congressional committees specified in subsection (h)(2) whenever only an estimated two months worth of funding remains in the Flame Fund.

(d) TRANSFER OF EXCESS WILDLAND FIRE SUPPRESSION AMOUNTS INTO FLAME FUND.—At the end of each fiscal year, the Secretary concerned shall transfer to the Flame Fund amounts appropriated to the Secretary concerned for wildland fire suppression activities for the fiscal year, but not obligated for wildland fire suppression activities before the end of the fiscal year.

(e) USE OF FLAME FUND.—

(1) DECLARATION REQUIRED.—Amounts in the Flame Fund shall be made available to the Secretary concerned only after the Secretaries issue a declaration that a wildland fire suppression activity is eligible for funding through the Flame Fund.

(2) DECLARATION CRITERIA.—A declaration by the Secretaries under paragraph (1) shall be based on the following criteria:

(A) In the case of an individual wildland fire incident—

(i) the fire covers 300 or more acres;

(ii) the severity of the fire, which may be based on incident complexity or the potential for increased complexity; and

(iii) the threat posed by the fire, including the potential for loss of lives, property, or critical resources.

(B) Consistent with subsection (f), in the case of a firefighting season, cumulative wildland fire suppression activities, when the costs of those activities for the Secretary concerned are projected to exceed amounts annually appropriated.

(3) TRANSFER OF AMOUNTS TO SECRETARY CONCERNED.—After issuance of a declaration under paragraph (1) and upon the request of the Secretary concerned, the Secretary of the Treasury shall transfer from the Flame Fund to the Secretary concerned such amounts as the Secretaries determine are necessary for wildland fire suppression activities associated with the declared suppression emergency.

(4) STATE, PRIVATE, AND TRIBAL LAND.—Use of the Flame Fund for catastrophic emergency wildland fire suppression activities on State and private land and, where applicable, tribal land shall be consistent with existing agreements where the Secretaries have agreed to assume responsibility for wildland fire suppression activities on the land.

(f) TREATMENT OF ANTICIPATED AND PREDICTED ACTIVITIES.—The Secretary concerned shall continue to fund anticipated and predicted wildland fire suppression activities within the appropriate agency budget for each fiscal year. Use of the additional funding made available through the Flame Fund is intended to supplement the budgeted and appropriated agency funding and is to be used only for purposes and in instances consistent with this section.

(g) PROHIBITION ON OTHER TRANSFERS.—All amounts in the Flame Fund, as well as all funds appropriated for the purpose of wildland fire suppression on Federal land, must be obligated before the Secretary concerned may transfer funds from non-fire accounts for wildland fire suppression.

(h) ACCOUNTING AND REPORTS.—

(1) ACCOUNTING AND REPORTING SYSTEM.—The Secretaries shall establish an accounting and reporting system for the Flame Fund compatible with existing National Fire Plan reporting procedures.

(2) ANNUAL REPORT.—The Secretaries shall submit to the Committee on Natural Resources, the Committee on Agriculture, and the Committee on Appropriations of the House of Representatives and the Committee on Energy and Natural Resources, the Committee on Indian Affairs, and the Committee on Appropriations of the Senate an annual report on the use of the funds from the Flame Fund, together with any recommendations that the Secretaries may have to improve the administrative control and oversight of the Flame Fund.

(3) PUBLIC AVAILABILITY.—The annual report required by paragraph (2) shall be made available to the public.

SEC. 3. COHESIVE WILDLAND FIRE MANAGEMENT STRATEGY.

(a) STRATEGY REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall submit to Congress a report that contains a cohesive wildland fire management strategy, consistent with the recommendations contained in recent Comptroller General reports regarding this issue.

(b) ELEMENTS OF STRATEGY.—The strategy required by subsection (a) shall address the findings of the Comptroller General in the reports referred to in such subsection and include the following elements:

(1) A system to identify the most cost effective means for allocating fire management budget resources.

(2) An illustration of plans by the Secretary of the Interior and the Secretary of Agriculture to reinvest in non-fire programs.

(3) A description of how the Secretaries will employ appropriate management response.

(4) A system for assessing the level of risk to communities.

(5) A system to ensure that the highest priority fuels reduction projects are being funded first.

(c) NOTICE OF PRESCRIBED FIRES.—As part of the strategy required by subsection (a) for the Forest Service, the Secretary of Agriculture shall ensure that, before any prescribed fire is used on National Forest System land, owners of adjacent private land are notified in writing of the date and scope of the proposed prescribed fire.

SEC. 4. REVIEW OF CERTAIN WILDFIRES TO EVALUATE COST CONTAINMENT IN WILDLAND FIRE SUPPRESSION ACTIVITIES.

(a) REVIEW REQUIRED.—The Secretary of the Interior and the Secretary of Agriculture shall conduct a review, using independent panels, of each wildfire incident for which the Secretary concerned incurs expenses in excess of $10,000,000.

(b) REPORT.—The Secretary concerned shall submit to the Committee on Natural Resources, the Committee on Agriculture, and the Committee on Appropriations of the House of Representatives and the Committee on Energy and Natural Resources, the Committee on Indian Affairs, and the Committee on Appropriations of the Senate a report containing the results of each review conducted under subsection (a).

SEC. 5. REDUCING RISK OF WILDFIRES IN FIRE-READY COMMUNITIES.

(a) FIRE-READY COMMUNITY DEFINED.—In this section, the term ''fire-ready community'' means a community that—

(1) is located within a priority area identified pursuant to subsection (b);

(2) has a cooperative fire agreement that articulates the roles and responsibilities for Federal, State and local government entities in local wildfire suppression and protection;

(3) has local codes that require fire-resistant home design and building materials;

(4) has a community wildfire protection plan (as defined in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6502)); and

(5) is engaged in a successful collaborative process that includes multiple interested persons representing diverse interests and is transparent and nonexclusive, such as a resource advisory committee established under section 205 of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note).

(b) FIRE RISK MAPPING.—As soon as is practicable after the date of the enactment of this Act, the Secretary of Agriculture and the Secretary of the Interior (in this section referred to as the ''Secretaries'') shall develop regional maps of communities most at risk of wildfire and in need of hazardous fuel treatment and maintenance. The maps shall identify priority areas for hazardous fuels reduction projects, including—

(1) at-risk communities in fire-prone areas of the wildland-urban interface (as defined in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6502));

(2) watersheds and municipal drinking water sources;

(3) emergency evacuation corridors;

(4) electricity transmission corridors; and

(5) low-capacity or low-income communities.

(c) LOCAL WILDLAND FIREFIGHTING CAPABILITY GRANTS.—

(1) GRANTS AVAILABLE.—The Secretaries may provide cost-share grants to fire-ready communities to assist such communities in carrying activities authorized by paragraph (2).

(2) ELIGIBLE ACTIVITIES.—Grant funds may be used for the following:

(A) Education programs to raise awareness of homeowners and citizens about wildland fire protection practices, including FireWise or similar programs.

(B) Training programs for local firefighters on wildland firefighting techniques and approaches.

(C) Equipment acquisition to facilitate wildland fire preparedness.

(D) Implementation of a community wildfire protection plan.

(d) WILDLAND FIRE COST-SHARE AGREEMENTS.—In developing any wildland fire cost-share agreement with a State Forester or equivalent official, the Secretaries shall, to the greatest extent possible, encourage the State and local communities involved to become fire-ready communities.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretaries to carry out this section such sums as may be necessary.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Idaho (Mr. SALI) each will control 20 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. 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 the bill under consideration.

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

There was no objection.

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

Mr. Speaker, this year's fire season in California started in unprecedented fashion, when 1,700 fires erupted in a 48-hour period beginning June 21. Already, just over 3 weeks later, fires have burned more than 960 square miles in California.

And as of yesterday afternoon, 330 fires were still actively burning there, when citizens received the ominous warning that conditions are right for, as the National Weather Service described it, ''explosive fire growth.''

Our thoughts and prayers are with the people of Big Sur, Santa Barbara County, and other areas up and down the coast, who are experiencing devastating wildfires as we speak.

Those California fires are only the most recent example of the dramatic and tragic expansion of our Nation's wildland fire season. For the last decade, the United States has experienced a growth in the destructive nature of fire seasons that have taken American lives, eliminated homes and businesses, and scorched thousands of acres of our treasured public lands.

And this is not only occurring in the West. I well recall several years ago when the New River Gorge in my home State of West Virginia was burning. I had the honor to meet with Federal firefighters who flew in from across the country to battle the blazes.

Indeed, the Federal Government has, time and time again, answered the call and mobilized legions of brave firefighters to beat back the flames and protect our lands and our communities.

But as a result, the government has also dramatically shifted spending priorities, rapidly increasing funding for fire fighting, while axing moneys for other necessary programs. And ironically, some of those programs that have been gutted were created to actually prevent fires.

There is little reason to hope that fire seasons for the foreseeable future will be any less catastrophic than those of the last decade. The trend has certainly been working toward more destruction. Knowing that, we must be better prepared.

The FLAME Act, which my colleagues Mr. RAÚL GRIJALVA, Mr. NORM DICKS and myself introduced, is an effort to correct course, to get out in front at the start of these fire seasons.

The bill has received broad, bipartisan support from 56 Members of Congress, including the ranking member of our Natural Resources Committee, Mr. YOUNG.

As well, it enjoys the support of the five former Chiefs of the Forest Service, the National Association of State Foresters, the National Association of Counties, the National Federation of Federal Employees, the Western Governors' Association, and nearly 40 other organizations.

Within the Forest Service, wildland fire activities now account for approximately 48 percent of the agency's budget, causing the Service to cut back on other important programs to cover the escalating costs of fire suppression.

The FLAME Act would help to address that funding problem, as well as the funding issues faced by other Federal agencies that are contributing funds from their limited accounts to fight these fires.

The Act would establish a dedicated Federal fund for catastrophic, emergency wildland fire suppression activities, separate from appropriated agency fire fighting funding.

The bill would also require the Forest Service and the Department of the Interior to present to Congress a long-overdue, comprehensive strategy for combating wildland fire, a strategy that would address the troubling shortcomings in the agencies' response to fires as identified by the Government Accountability Office and the Agriculture Department's Inspector General.

I cannot overstate the importance of today's action on the FLAME Act. Without a doubt, this is one of the most serious issues facing our Federal land management agencies, and it is one that, if not addressed properly and appropriately, will continue to cost homes, businesses, communities, public lands, and American lives.

The FLAME Act will allow the Forest Service and the Department of the Interior to respond to these dangerous fires while also accomplishing other important aspects of their missions, including those that will prevent fires from devastating our communities in the future.

I ask my colleagues to support passage of the FLAME Act.

I reserve the balance of my time.

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

Fire season is here and wildlands are in flames across the Nation as we speak. California is currently reporting 24 large fires, and along with California, there are large wildland fires burning in Arizona, Oregon, Washington, Virginia, and North Carolina.

Since January of this year, some 46,113 wildland fires have burned more than 2.71 million acres, destroying more than 461 residences, 15 commercial buildings, and 979 outbuildings. But it's not just property, homes, community, watersheds or livelihoods that are at stake when a wildland fire burns. Lives are also in danger, and since January of this year alone, eight firefighters have died while on duty to fight wildland fires.

For many areas of the country, the wildland fire season is just beginning.

This is an issue that I have familiarity with, as each year in Idaho the skies fill with smoke from fires. Last year alone, more than 2 million acres burned in Idaho, threatening lives, homes, and communities.

I commend the gentleman from West Virginia, my chairman, on his initiative to move a bill and bring this critical issue before the House of Representatives today. Real solutions to these deadly and growing wildfires must be found, and I appreciate his efforts to this end.

Regrettably, the bill before us today will not do enough to address the raging wildfires across this country. Communities, homes, and lives will remain at risk from wildland fires.

There is no question that there are budget issues that must be addressed. We require the Forest Service to fight these fires, while we have handcuffed that agency at the same time, whether through its budget or with forest management practices.

Over and over again on this floor, we have had discussions of how to pay for the measures that are passed by this body. And yet, the Forest Service used to provide a source of revenue. It used to manage Federal lands, selling the harvested timber and thereby bringing in revenue.

Today, in most areas, active harvesting and forest management is nonexistent on Federal lands. This has had a twofold effect. There's less and less money generated by the Forest Service, while there are also ever-growing fuel loads on federally managed lands.

I agree that we cannot expect an agency to budget for the very large wildland fires that we have seen develop over the last 6 or 7 years. To do that is something like asking an American family not only to budget for ordinary and foreseeable expenses, like dental care, health care and car repairs, but also to budget for a serious car accident or tragic health crisis that would eat up 50 percent of their entire budget for the year.

Yet that is the point we have reached with the Forest Service. Today, roughly 48 percent of the Forest Service's budget is dedicated to wildland fires, but we still expect the Service to be able to budget for these fires.

We agree there is a problem with the funding. Unfortunately, this bill doesn't fix that problem. While well-intended, this bill fails to correct the 10-year funding average problem we currently face. Even if it did, merely erasing and rewriting lines in a ledger book does nothing to fix the crisis on the ground in federally managed lands. Moving money to different accounts will not solve the problem.

While well-intentioned, unfortunately the bill before us today fails to address the more critical issue, forest management. The greatest obstacle our public land managers face in preventing catastrophic wildfires isn't dollars, it is having the ability to overcome mountains of red tape and lawsuits filed by extremists. The laws that Congress has created in an attempt to save our forests have now become the biggest obstacles to saving them from wildfires.

Congress should not be addressing funding for suppressing these large fires without addressing the cause of these large fires as well, the increasing and unchecked fuel loads in our national forests that surround or are adjacent to homes and communities.

The critical link between pre-fire forest management and fire fighting was illustrated at the hearing we had on this bill in the Natural Resources Committee in April.

During that hearing, Arizona Governor Jane Napolitano, a Democrat, testified that the 2006 woody fire near Flagstaff, Arizona, was halted before it reached 100 acres because of the hazardous fuels treatment that had been done in that area. And according to Governor Napolitano, those treatments dramatically minimized the fire's devastation.

Similarly, during that hearing our colleague NORM DICKS testified about the large fuel loads that continue to accumulate in Federal forests.

□ 1445

He pointed out that the larger fires have resulted from increasing tree density and fuel loads.

We will continue to have larger and larger fires until we reduce fuel-loading. Until we provide the tools for pre-fire forest management to reduce fuel-loading, the western United States will

continue to see homes burn, watersheds destroyed, and even lives lost. We must provide the tools to preempt these devastating fires, the kind of preemption pointed to by Governor Napolitano that protected so many people and homes in the 2006 Woody Fire near Flagstaff.

Last year, during the Poe Cabin fire in Idaho, in one area the fire moved some three miles in a mere 20 minutes. In that area, several homes that had defensible space around them due to fuel reductions on private land survived the fire, while other structures in that area without defensible space did not survive.

One of these homeowners was able to get his wife out while he stayed just a bit longer to finish loading his truck. However, because of the fast-moving and intense fire combined with the heavy fuel-loading on Federal ground, he became trapped by the fire and was unable to leave. While this could have quickly become a tragic story, this man lived and his home survived thanks to the fuel reduction that had been done around his home.

While this was a result of the fuel reduction done wholly on private ground, many communities and individuals abutting these forests do not have the luxury of enough land to adequately protect the communities, watersheds, homes and lives. Providing the tools to these communities to protect their homes, livelihoods and very lives from these devastating fires is something we can and must do when addressing long-term funding to suppress the fires. We should be discussing solutions like the one I proposed, H.R. 4245, to provide the agencies with one more tool to reduce hazardous fuel loads around communities and homes.

In the great State of Idaho, many communities have put the time and energy into developing Community Wildfire Protection Plans, but implementation of many of these plans has been significantly delayed in large part because of the NEPA process. These CWPPs, as my colleagues know, are cooperative plans, requiring community collaboration and input in the formation of the plan. By delaying treatment for the safety of communities through unbelievable red tape, we subject these communities to be threatened by large wildfires.

Mr. Speaker, this is not only a bipartisan issue, this is a nonpartisan issue. It's about public safety and sound forest management that will benefit millions of Americans. My bill, which I would urge this body to take up as it addresses these wildland fires, would provide for a categorical exclusion from the NEPA process to provide another tool for timely treatments to protect these communities from large and devastating fires and preserve our pristine national forests. Too many homes have burned and too many lives have already been lost. We must provide real tools for firefighting.

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

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the gentleman from California, an individual who has some firsthand experience with these fires, Mr. SAM FARR.

Mr. FARR. I thank Chairman RAHALL for yielding.

Mr. Speaker, I rise in strong support of the FLAME Act. I rise in support of the act with background experience of having been a seasonal firefighter for the U.S. Department of Forestry when I was a young college student. And I rise with the experience of being on the base and complex fire in Big Sur many times last week.

What I have learned from my experience throughout my life is that what we have done in responding to fires has been the best organizational structure in government. The whole incident command structure is now being used—it started in a California fire, and being used all over the United States and the rest of the world for how we should manage emergency incidents like fires; in fact, our whole structure within homeland security, which is essentially a lot of money that we spent to bring to one stop so that we can bring the resources necessary for prevention and response.

The one area, though, that has never been addressed has actually been in the area where we have to respond year after year after year, which is wildland fires. Last year, the U.S. Forest Service spent $1 billion on fires. And essentially that spending is an emergency process. And what happens at the end of the year is, when you want to say, okay, now it has stopped, the fire season, we have some time, let's go and do some prevention, let's do some control burns and do things like that, and we have no money to do it. And what this great bill does is it sets up a special fund that essentially recognizes that we need to have that emergency money there available to respond to emergencies.

And I would just like to say that in California we have really changed the nature of our whole State through our fire experiences. And we have changed the Department of Forestry in California.

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

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

Mr. FARR. What this bill does is now, for the first time, to bring the Federal Government together and say let's do the same thing we've done with homeland security; let's have one stop, let's have fire planning; let's have prevention, and let's have the ability to respond. This is a great bill.

Mr. SALI. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Speaker, I come to the floor today in support of this legislation and feel that it's a good first step. Unfortunately, it doesn't do quite what it was supposed to do, which was to really wall this off as emergency funding and address the problem. But it does authorize the money. It does set up a separate budget account.

Today in the Forest Service they spend 47 percent of their budget fighting fire. And for many years I've argued on this floor that what happens is we get the fire season, the Forest Service runs out of money, so then they rob from all the accounts where they had the projects in place to do the thinning to reduce the threat of fire for the next year. And then time runs out in the season, they can't do those projects, and we get fire. And then we restore the money as a Congress, and we repeat the cycle.

And today in America there are tens of millions, if not hundreds, of acres of Federal forest land that are subject to catastrophic fire, disease and bug infestation. If you're concerned about global warming and think carbon additions to the atmosphere are the problem, then you need to know that every year 290 million metric tons of carbon dioxide go into our atmosphere from forest fires. That's the equivalent of 4 to 6 percent of the Nation's carbon dioxide emissions from fossil fuel burning.

This portrait here is a picture of Judge Steve Grasty, a Democrat in my district, his grandkids. And they're standing out in the Egley fire after it occurred in Harney Country. This fire burned well over 100,000 acres in an area that obviously needed thinning and hadn't been thinned.

And that's part of what brings me to the floor today, not only to support this bill—because I think it makes sense to have a separate firefighting budget, I think it makes sense to identify the most highest risk areas that need the treatment and to go in and treat them and to help the communities with grants and the things that are in this bill—but we need to do more than that because we should have learned the lesson that a treated forest is a healthier forest.

When we collectively passed the Healthy Forest Restoration Act and signed into law by President Bush in 2003, the Forest Service began to have the tools to expedite the treatments in the wildland urban interface. And the collaborative process my colleague from Idaho talked about that brought together the Community Wildfire Protection Planning Program allowed them to go outside the 1.5 mile around the community, and the community decided what needed to be treated.

The problem in my region, region six in the northwest, the great forest of America, is that most of the fires—over 1,400 of them in 2007—started up in the ridge lines and deep in the forest. Only a dozen or two dozen started right around the wildland urban interface.

The foresters who are the trained scientists that deal with fire environment tell me they need to take that Healthy Forest Restoration authority we gave them as a Congress in a bipartisan way

and expand it out into the Condition Class 2 and 3 lands, the lands determined by the scientists to be most out of whack with balance in nature, to go in and do the thinning. And we know where that occurs, fire behaves differently. And you all from California know very clearly, this is the kind of fire you have today, it sweeps through these areas that are overstocked, bug-infested, disease-ridden, dried out and can't handle fire. This is the same area of that fire, the Squire's Peak Fire, that had been treated.

This area that's burning is the area they hadn't treated yet. This is the difference. Look at the green growth here. The fire went through under the brush that had been treated, and it's fine. This picture, by the way, was shot by the last guy doing treatment as they drove away from the fire. They were out doing the treatment, and then they turned into firefighters and he shot that out of the back of his rig.

So I think we need to move forward with different legislation. This is good legislation: Pass it; get it over to the Senate; declare it an emergency; do this funding piece. But we need to do more. If you want to deal with these fires that are setting records for how much they consume, not only of the taxpayers' purse, but of our Nation's resource, habitat, watershed, look at the greenhouse gases, the smoke, the pollutants in the atmosphere, then we have to be able to give our forest managers the tools that they've proven can work in a collaborative way around communities and extend those out into the great reserves, the forests that are Condition Class 2 and 3.

And so I hope we can build a bipartisan coalition to do that. And I hope the chairman of the Resources Committee will help us on that. Because if we don't, then the change that's occurring in our climate with temperature will only cause these forests to grow more drought-ridden, more disease-ridden, more bug-infested, more likely to burn up in fire. And I'll tell you what, when you go back to this picture, Judge Grasty's grandkids, this is what's left behind. This is not snow, this is ashen, destroyed ground. These are the trees which, by the way, may never get hard.

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

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

Mr. WALDEN of Oregon. So we can do better. We can be better stewards of our Nation's forest. We owe it, as our legacy to the future, to be good stewards today. But we can't do it with the laws that are in place that impede the work. I mean, we owe it. I can't be more passionate about this. And I've worked with many of you in a bipartisan way to pass the Healthy Forest Restoration Act and the Forest Emergency Recovery and Research Act, which the Senate failed to take up last Congress. We've got to do better than we're doing now.

This is a good little step forward in terms of managing the money so that the forest workers can do their work. We need to do more.

Mr. RAHALL. Mr. Speaker, I'm very happy to yield 2 minutes to a very valued member of our Committee on Natural Resources, the gentlelady from California (Mrs. CAPPS), and commend her for her assistance in developing this legislation as well.

Mrs. CAPPS. Mr. Speaker, I rise in strong support of the FLAME Act. I thank Chairman RAHALL for yielding me time and for bringing this important legislation to the floor.

This bill comes at such a critical time. Our Nation is now and will continue to face longer and more intense fire seasons due to global warming and drought.

The cost of fighting fires has grown enormously in recent years, and projections indicate that this trend will only increase, especially in populated wildland urban interface areas.

The Forest Service has spent over $1 billion per year on 5 of the last 7 years to extinguish fires. And wildland fire management activities are estimated to consume close to half of the Forest Service's budget this year. These escalating costs are having a significant impact on the Forest Service. For example, the Forest Service is forced to pull funds from other programs, leaving fewer funds available for camp ground maintenance and forest restoration.

The emergency fund created by the FLAME Act will reduce the need to deplete important Forest Service programs and will provide more reliable funding than uncertain year-to-year supplementals. Even more important, the FLAME Act will ensure the Forest Service has regular funding available for day-to-day fire management. This includes such important prevention steps, like FIREWISE Communities, hazardous fuels treatment, and restoration work.

It's absolutely essential that our efforts to fight today's fires don't hurt our efforts to prevent tomorrow's fires. This bill will ensure this is the case.

Mr. Speaker, the Zaca Fire that burned 240,000 acres in my congressional district last year cost the Forest Service $120 million. That's one fire alone. With more than 1,700 fires in California this year already and the fire season is not even half over, it's pretty clear we're going to have to create an emergency Federal fund dedicated solely to devastating wildland fires.

This idea is long overdue, and this legislation deserves to be approved by the House. So I urge all of my colleagues to address the long-term wildfire suppression funding situation by supporting the FLAME Act.

Mr. SALI. Mr. Speaker, I yield 4 minutes to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Speaker, these fires are extremely dangerous, and our heart goes out to all those people in California who are suffering from these fires and all over the country.

In my area, we rely on volunteer firefighters who are dedicated and whose service I cherish. However, we're putting these dedicated servants who are volunteers all over this country at a terrible disadvantage with gas costs at $4.11 a gallon; 75 percent higher since the Democrats took control of Congress.

Now, let me say that again. Many Americans do not realize that the Democrats are in control of Congress. We are not being allowed to vote on increasing the supply of gasoline by the Democrats.

Now, what is the Democratic strategy for increasing supply of gasoline, which is what we have to do to bring down the price? Let me quote from an article in yesterday's Hill newspaper an aide to Speaker PELOSI.

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''Right now our strategy on gas prices is 'Drive small cars and wait for the wind.' '' Now, that reminds me of the episode which many people will remember from their history books, when the people of France were starving, people went to the Queen and said that the people need bread, they're begging for bread. She said, ''Let them eat cake.'' Again, the strategy of the Democrats is ''Right now our strategy on gas prices is 'Drive small cars and wait for the wind.' ''

Folks, that's not what we want in terms of leadership. We need leadership on this issue. We need action to bring down the price of gasoline. And what will bring down the price of gasoline is American-made energy. We are not being allowed to produce American-made energy that we can produce to bring down the price of gasoline.

On the last bill, the Democrats talked about the fact that our unemployment rate is up. We had 54 straight months of job growth in this country until January of this year when gas prices really started to go up. The price of gas is affecting everything in this country. Again, it's Democratic leadership that has put us in this position, not Republican leadership.

I met today with people from the Turkey Federation. They're concerned about the price of feed. It's driving up the cost of food. Why? Because we're giving such great subsidies to ethanol; so corn is being used to produce ethanol, not going into feed for our animals. We know that's happening all over the place.

Why is it that Congress has a 9 percent approval rating right now? It's because, as the Wall Street Journal said, this is the most do-nothing Congress in 20 years.

We have to respond to the American people. The American people have to know that the Democrats are in charge and they are not responding. We can bring down the price of oil, we can help volunteer firefighters, we can bring

down the cost of food by providing American-made energy, and it's time that we started doing that.

Democrats think you can defy the law of supply and demand. We cannot do that. If we increase supply, we will be able to bring down the price of gasoline, and that's what we have to do.

Mr. RAHALL. Mr. Speaker, in response to the last speaker, this gentleman certainly joins with her in commending our firefighters, especially those who have volunteered across our Nation to fight these fires where they occur. Our firefighters, as they showed us on 9/11, are certainly on the forefront of our Nation's defense and our first responders in this country.

In regard to the price of gas, though, let me remind the gentlewoman that when President George Bush took office, the price of gas, according to his own Energy Information Agency, was $1.47. The last time I left West Virginia yesterday morning, it was $4.14 a gallon.

Mr. Speaker, I am very honored to yield now such time as she may consume to the distinguished Speaker of the House of Representatives, Ms. PELOSI.

Ms. PELOSI. I thank the gentleman for yielding. I thank him and Mr. SALI for their leadership in bringing this important legislation to the floor in a timely fashion for us in California. I appreciate the good work of their committee.

Mr. Speaker, California today is fighting some of the most significant fires in terms of acres burned in our history, more than 675,000 acres, as the fires that have cost $276 million to fight, according to the State and Federal reports, to date. The number of active wildfires up and down the coast of California is 330. There have been 1,731 fires since June 21.

Up to 20,000 firefighters are battling the blazes, many of them from neighboring States, many from far and wide across the country. Some from other countries, from Mexico, from Canada, from Australia, and New Zealand and other places, coming to the rescue. Later today we will have a resolution offered by my colleague from California (Mr. FARR), whose district is greatly impacted by these fires, a resolution to commend our firefighters, thank them for their service and their sacrifice, and that will be an important resolution and debate at that time.

But in addition to extending our sympathy to those for their losses and our appreciation to our firefighters, we have to do more. And today, Mr. RAHALL, you have given us the opportunity to do just that.

This legislation, the FLAME Act, before us creates an emergency Federal fund dedicated solely to combating the catastrophic wildfires. This funding will help ensure that fire prevention resources are not consumed by emergency firefighting expenses. Others have spoken about the need for us to even go beyond this act in terms of treatment and prevention, but this act is important because this fund will prevent the soaking up of all of the other dollars that should be used for prevention but are used for extinction.

The FLAME Act also requires the administration to develop a cohesive wildfire management strategy. This is very, very important and long overdue. We need prevention. We need the treatment that was described by our colleague. A long-term strategy is needed and should include approaches to hiring and retaining experienced Federal wildland firefighters. We have enormously talented people in our country. We want many of them to work for the Federal Government, and that's why I oppose the administration's insistence on outsourcing and other policies that undercut the Federal workforce which extend to our wildland firefighters.

I want to commend Mr. RAHALL, whose leadership on the Natural Resources Committee is helping to strengthen efforts to better prepare for and combat wildfires, Mr. SALI as well, for bringing this legislation to the floor; Chairman RAÚL GRIJALVA of the Natural Resources Committee's National Parks, Forests and Public Lands Subcommittee; and Chairman NORM DICKS of the Appropriations Subcommittee on the Interior. These outstanding leaders have brought forward bipartisan legislation that will help us fight future catastrophic fires and ensure that sufficient resources are dedicated to protecting both citizens and property. That is why this legislation has such broad bipartisan support and has been endorsed by five former chiefs of the Forest Service, the National Association of State Foresters, the National Association of Counties, the National Federation of Federal Employees, the Western Governors Association, and nearly 40 other leading organizations.

As I said earlier, our colleague Congressman FARR is to be commended for authoring the resolution the House will consider shortly that commends our firefighters from California and throughout America for their courageous service. As we thank our colleagues for this much-needed legislation, we should also honor the service of our firefighters, the California Office of Emergency Services, the National Guard for helping protect our neighbors' lives and homes in California and throughout the West.

We also express our deepest sympathies to those who have suffered deep personal losses as a result of these fires, particularly the families of two firefighters who lost their lives: Robert Roland of the Anderson Valley Fire Department, a volunteer fireman who lost his life fighting a fire; and John Hermo of Oregon. He came down from Oregon to help fight the fires. He was drowned while off duty but, nonetheless, here in the service of this important fight.

This critical legislation is an opportunity to provide consistent assistance and structure for relief in these times of emergency. Again, we express our appreciation to the legislation's authors and hopes that the weather and the wind will assist our brave firefighters in combating the blazes. I know we all join in saying that we wish God will bless our courageous firefighters.

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

Mr. RAHALL. I urge support of the bill.

Mr. GOODLATTE. Mr. Speaker, I rise today to express my disappointment with the bill before us today, H.R. 5541, the Forest Land Assistance, Management, and Enhancement Act or the FLAME Act. Mr. Speaker, I believe that the authors of this bill are well intentioned and truly want to solve the wildfire funding problem, but, sadly, the FLAME Act does not provide the comprehensive solution needed to adequately resolve this problem.

With the unhealthy conditions in our forests, extreme drought, and the increasing influx of people building in fire-prone areas, the size and severity of wildfires has dramatically increased. In the 1990s, an average of 3.2 million acres burned each year. Since 2000, that annual average has doubled to 7.1 million acres. The cost of fighting these wildfires has skyrocketed, from averages of $400 million annually in the 1990s to roughly $1.4 billion in 2007. This year an area roughly the size of Connecticut has already burned, at cost of over $665 million to date.

This is not just a western issue. In my home State of Virginia, more acres have burned already this year than in any single entire year since 1963 at a cost of millions of dollars.

As firefighting costs have increased, the overall USDA Forest Service and Department of the Interior budgets have not. So, the Forest Service and DOI are footing the bill for these large, unpredictable emergency wildfires within the confines of a flat budget. For the Forest Service, this has meant a 77 percent increase in fire expenditures, a 23 percent decrease in funds to manage the national forests, and a 38 percent decrease in funds to help States and private owners manage their forests. Whether you're a wilderness advocate, a hunter, a mountain biker, or a logger, everyone will be impacted if we don't solve this problem.

Wildfires are not only consuming more forestland, they are consuming the Forest Service and the Department of the Interior themselves.

The FLAME Act falls short of protecting the Agencies' budgets from this continued erosion. H.R. 5541 does not change the current budget practice of funding firefighting based on the average expenses over the previous decade. Without this change, we will continue to see more and more of the Agencies' budgets go toward fire and less towards taking care of our Nation's forests.

In addition to this shortfall, the FLAME Act lacks a comprehensive set of solutions to the problem. Fixes to the wildfire budgeting system must be accompanied by strong cost containment and accountability standards while also ensuring firefighter safety, incentives to encourage communities to step up to the plate and reduce wildfire risks, and more tools to prevent or minimize damage due to catastrophic wildfires, particularly in our Federal forests.

H.R. 5648, the Emergency Wildland Fire Response Act of 2008 which Chairman PETERSON and I introduced along with a bipartisan group of our colleagues, provides this comprehensive solution. Unfortunately, negotiations for a more comprehensive solution were cut short.

I'm pleased to see that the authors of the FLAME Act have incorporated aspects of H.R. 5648 that encourage communities to step up to the plate and become "fire-ready" and encourage the Agencies to contain costs in their firefighting efforts.

Unfortunately, even with these improvements, the FLAME Act ignores the underlying problem causing the increases in firefighting costs—the unhealthy condition of our Federal forests. We will continue to see skyrocketing firefighting costs and more damage to our forests, watersheds, and communities unless we take steps to reduce fire risk in our Federal forests. We must provide the Agencies additional tools to get our Federal forests in a healthy, more fire resilient condition.

My alternative bill, H.R. 5648 provides a new contracting tool for the Forest Service to partner with States to address these unhealthy conditions in Federal forests. This authority has been tested in Colorado and Utah where it's proven to be very effective. Unfortunately, H.R. 5541 contains no such tools.

Mr. Speaker, as California and other States are dealing with massive wildfires even as we speak, we shouldn't squander our time with legislation that is only half the solution. H.R. 5541 is akin to using the watering can to fight a wildfire: it might have some short-term benefit of slowing down the flames, but ultimately, it won't stop the fire.

That being said, I will vote for this bill because it does move the ball forward. I'm hopeful that we can improve it as we move forward and ask my colleagues to join me in this effort.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and pass the bill, H.R. 5541, 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.

COMMENDING THE FIREFIGHTERS FROM CALIFORNIA AND THROUGHOUT THE UNITED STATES FOR THEIR COURAGEOUS ACTIONS AND SACRIFICES IN FIGHTING THE CALIFORNIA WILDFIRES

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1322) commending the firefighters from California and throughout the United States for their courageous actions and sacrifices in fighting the California wildfires.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1322

Whereas, since June 20, 2008, there have been 1,781 wildfires in California started by natural causes, including lightning, or by human activity;

Whereas 630,886 acres of land have burned in these wildfires, and, as of July 8, 2008, there are 323 wildfires still burning in California;

Whereas significant portions of National Forest System land and wilderness areas continue to burn in the Los Padres, Klamath, Shasta, Trinity, Mendocino, Plumas, Eldorado, Tahoe, Six Rivers, and Lassen National Forests;

Whereas areas of Butte, Monterey, Santa Barbara, and Shasta counties are under evacuation orders, and precautionary evacuation orders currently exist in areas of Kern, Mendocino, Monterey, Santa Barbara, and Plumas counties;

Whereas the wildfires are threatening 8,874 residences, 168 commercial buildings, and 2,085 outbuildings, but the heroic efforts of firefighters have limited the destruction to 40 residences, 1 commercial building, and 61 outbuildings;

Whereas firefighters have already been working for weeks on the front lines of a fire season that is just beginning;

Whereas firefighters have risked their lives and endured great hardship to protect life, property, and the environment;

Whereas there are currently 18,415 personnel committed, as well as 1,403 fire engines, 388 hand crews, 269 bulldozers, 392 water tenders, 31 air tankers, 30 incident management teams, and 95 helicopters;

Whereas 40 States and the District of Columbia have provided assistance to fight the wildfires:

Whereas the cooperative, unified approach to addressing wildland fires by Federal, State, local, tribal, and volunteer agencies have worked as one team under California's innovative incident command system;

Whereas the wildfires have been fought in a manner consistent with wilderness and wildlife protection, including protection of endangered species such as the Southern Sea Otter;

Whereas the people of California and the United States recognize that the dedication of the firefighters will remain steadfast throughout the ongoing suppression, repair, and rebuilding efforts;

Whereas firefighters continue to make progress in containing wildfires throughout California, and, as of July 8, 2008, more than 1,400 fires have been contained due to the diligent and tireless efforts of firefighters from California and throughout the United States, and

Whereas several firefighters have been injured and one firefighter has given his life while fighting the wildfires: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends firefighters from California and throughout the United States for their courageous actions and sacrifices in fighting wildfires on National Forest System land and other public lands in California;

(2) acknowledges the continued work of firefighters to protect National Forest System land, other public lands, and private property from further damage;

(3) praises the people of California for their great courage in this time of crisis; and

(4) extends its heartfelt sympathies to the families of those who have lost loved ones or their homes, businesses, or other property in the wildfires.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Idaho (Mr. SALI) each will control 20 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. 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 the resolution under consideration.

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

There was no objection.

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

Mr. Speaker, since June 20, 2008, as we have heard the distinguished Speaker tell us, there have been 1,781 wildfires in the State of California, over 600,000 acres of land have burned, and there are 323 fires still burning in the State. Firefighters have been working for weeks on the front lines of these fires, risking their lives and enduring great hardship. These firefighters are making progress in containing California's wildfires. As to date, over 1,400 fires have been contained.

Sadly, several firefighters have been injured and one firefighter has given his life in fighting these devastating wildfires in California.

This resolution commends these firefighters for their courageous actions and sacrifices in fighting the wildfires in California. The resolution also extends heartfelt sympathies to the families of those who have lost their homes, businesses, or loved ones in this tragedy.

I ask my colleagues to support this resolution.

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

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

I too rise today to commend the heroic efforts of firefighters throughout our Nation. At times they are called to pay the ultimate sacrifice to save the life and property of others. I have had the honor of meeting the men and women who fight these wildfires in my State of Idaho, and there is no greater example of courage than these folks.

I understand how important it is to provide firefighters who battle wildfires with the right tools they need to do their job. Threats to human life are compounded by the fact that more and more people are living in homes near the fire-prone forests, placing themselves and the firefighters who try to protect them at greater risk.

In April of this year, I offered an amendment to the United States Fire Administration Reauthorization Act of 2008 that allowed the Administrator of the United States Fire Administration to develop and distribute information on the importance of clearing biomass from Federal lands. This commonsense amendment will require USFA to work in consultation with other Federal agencies, such as the U.S. Forest Service and the Bureau of Land Management, to ensure that the USFA provides the best possible recommendation. As we come upon another deadly

and costly fire season, this information is as vital as ever. We must provide our Federal employees, who are the best in the world, all of the tools they need to keep our communities and themselves safe from catastrophic wildfires.

I urge the chairman of the Natural Resources Committee to hold more hearings on the crisis situation in our Nation's forests. We have had just one hearing this year on the wildfire problem compared to six last Congress. I urge Members on both sides of the aisle to continue to work on providing firefighters and our public land management officials with the necessary tools they need to do their job. As firefighters risk life and limb to protect us, the least we can do is to provide them with everything they need.

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

□ 1515

Mr. RAHALL. Mr. Speaker, I am very happy to yield such time as he may consume to the author of this resolution commending our firefighters, the gentleman from California (Mr. FARR).

Mr. FARR. Thank you, Mr. Chairman, for yielding. I rise, supporting this resolution, with the backing of almost all the Members of Congress and certainly many co-authors that are on here.

This resolution commends the firefighters who are fighting. On this incredible map, you can just see what the extent of fires are in California. Having come off the fire in the Big Sur region that I represent, you can't help but have an incredible amount of pride for the ability to call to order firemen and women from all over the United States, and in this case, because we are so over strapped, we are now asking help from Mexico with both crews and equipment. We have had firefighters come down from Canada and, as I understand, CAL FIRE is negotiating now with New Zealand and Australia to even bring in more personnel.

These firefighters work nonstop. They are on 12 hours and then off 12 hours. But they have to work every day. They don't stop on weekends. They just keep going out of the camps and into the fire lines. As was pointed out by the Speaker just a moment ago, the tragedy for two of those workers, one a volunteer fireman from Anderson Valley Fire Department, Robert Roland, died on the fire line of heart failure. John Hermo, who is a firefighter, full-time professional firefighter from Oregon, came down to fight the California fires and got some time off after so many days on the fire, and during his rest, just not being on the fire line, drowned in the river there, in the Kern River. It's really a tragedy. Here, these families have sent off these young folks to help us to respond as first responders, as emergency responders.

So this resolution is a profound debt of gratitude to them. I know that those firefighters can't see this on their C–SPAN at home, but certainly the parents and relatives of all of those who have sent loved ones to these fires.

Fires have threatened 9,000 homes and businesses. There are still 223 wildland fires burning in California. More than 14,000 fires have already been contained because of the work of the firefighters. There are 18,000 personnel, firefighters on the lines right now, and there have been evacuation orders in Kern, Mendocino, Santa Barbara, Plumas, and in my county, and I'd like to personally thank our sheriff, Mike Kanalakis, for lifting the mandatory evacuation, which made people leave their homes in the rural area, many of whom felt that they were best suited to protect those homes. That evacuation order has been lifted and now the Big Sur Highway, Highway 1, is back in order for local personnel.

So our firefighters are working nonstop, and some for 4 weeks without rest. They are going to need rest. You can't stop the fire burnings. You're going to have to bring in more personnel. That's why we are reaching out to other countries.

So I want to thank those who I saw on the lines, the people I talked to, the communities that rallied around them. This is a heartfelt thanks from the Congress of the United States of America to the personnel in this country who respond on a basis to keep our cities and rural areas safe during wildfires. Thank you very much.

Mr. SALI. I yield such time as he may consume to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. I thank the gentleman for yielding. I especially thank the author of the resolution, Mr. FARR of California, for his leadership and insight here in the Congress. It's a privilege to serve alongside him. A very thoughtful man.

I want to join the chorus in praising these firefighters and encouraging others to answer this extraordinarily difficult call to public service every time that one of these fires encroaches on areas where people live and work. But I do find it ironic, having been here for 14 years, from time to time these issues cross over with each other because, frankly, the nexus between the environment, which is a part of these fires; energy, which is also a piece of this; and national security is the most important challenge of our generation, this nexus. And they are connected.

Over the last 14 years I have had the privilege, even with Mr. FARR, to travel to places like Yellowstone and Yosemite Valley and the Olympics in Washington State and actually see with the stewards of our public lands, which represent over one-third of the land mass of the continental United States, is government-owned land, and actually be there with the Forest Service, the Park Service, the Bureau of Land Management personnel, many of whom are registered foresters, who will say that one of the biggest problems with the creation of these fires is the dead and dying timber which we have refused to clean out in terms of our stewardship of the forest. You can't just leave this forest alone and let all of this timber become just a matchbox on the ground without huge problems with the fires.

So the mindset that says leave all forests alone and do not touch them, even to the point of not cleaning up the dead and dying timber, which creates with any kind of a spark these out-of-control fires that come into California into the areas where people live, the mindset that says, for whatever reason, do not touch these forests, is a flawed mindset that causes these fires.

The best thing we can do for the firefighters is to try to mitigate the fires with good forestry practices, good stewardship, and logical environmental response. I consider myself a very logical and rational lawmaker on issues of the environment. But that is the same mindset that says under no circumstance do you take a piece of land in the middle of the Arctic tundra and not explore for oil and gas there.

That is the same mindset. It's a flawed mindset. That is why we have the energy pinch. It's a mindset that says States cannot even go into the Outer Continental Shelf, if they want to, and explore oil and gas resources, when in fact we should leave that up to the States.

So here we are, kind of feeling the pinch and the adverse consequences of extremist environmental policy, whether it's fires, whether it's energy sources. We have to come back to a rational, logical modern approach.

Now I am very much part Cherokee Indian. The Cherokee National Forest is in my district. The Cherokee used to intentionally burn the forest. Why? Because it helped the nutrients in the ground. It became more robust. It's a natural cycle. They intentionally did it.

Speaking of good forestry practices, they were not only not afraid of fire, they used fire for the right purposes so that the forest wouldn't get out of control and just burn wildly.

It's that kind of thinking, long-term stewardship, that we need to get back to so that the political winds of the day do not stymie us on good management practices with our forests or good energy policy as a Nation so that everything is not off-limits to the point that the lights go out in California or we are paying $4.50 for a gallon of gas.

These are unacceptable outcomes when all we have to do is take a reasonable, responsible approach from the center of America, representing average people, and saying, We are all for stewardship, we are all for participating in global warming, but we don't want to do it at the expense of our future. Our economic future, our quality of life, all these issues come together.

So I would implore the leadership—I understand the Speaker of the House yesterday said in fact the SPR, the Strategic Petroleum Reserve, does need to be released so that we can increase some supply of oil. I am glad to

see these steps are taken finally to recognize that supply and demand are at stake here, they are at work here, and that we need to increase the supply of oil and gas in this country. Not that that is the cure-all, end-all, but it's one of many things that we need to do in an all-of-the-above approach to energy, which is connected to the environment and good long-term stewardship for our country.

I thank the gentleman for the time.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the gentlelady from California (Mrs. CAPPS).

Mrs. CAPPS. I thank my committee chairman for yielding time.

Mr. Speaker, as a representative of areas affected by the recent wildfires and as a cosponsor of House Resolution 1322, I rise in strong support of this legislation, and I thank my colleague and my neighboring Member of Congress, Congressman FARR, for introducing this resolution.

In the last 3 weeks, more than 1,700 wildfires have burned hundreds of thousands of acres in our home State of California. In my district alone, the Gap Fire, one of the State's highest priorities now, has burned nearly 10,000 acres and threatened several hundred homes in the city of Goleta. Yet, despite high winds and temperatures, our incredible firefighters and emergency personnel have limited the destruction, have saved hundreds of homes, hundreds of lives.

I am so proud to say that California's emergency preparedness system and procedures are among the best in the Nation. My constituents in Goleta are the most recent beneficiaries of this system. I have to admit that I am a little biased toward our firefighters as well. Years ago, as a school nurse, they taught me CPR, they taught me first aid, they helped me train our school personnel. They are a wonderful asset to safety and preparedness in our communities.

From their base at Dos Pueblos High School, State and local officials have worked together to move resources from across the State to areas that needed them most. They're masters at doing this. If not for this organized and swift effort, many more acres, homes, and lives could have been lost.

As we speak here today on the floor of this House, in this well, thousands of men and women are putting their lives on the line, enduring great hardships to protect our wildlife, our property; indeed, our lives. Today, we commend these amazing individuals and we express our gratitude at their sacrifice and their service.

I urge my colleagues to join Mr. FARR, to join all of us in thanking and honoring these courageous individuals by supporting this legislation.

Mr. SALI. Mr. Speaker, I have no further speakers, so I would yield back the balance of my time.

Mr. RAHALL. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and agree to the resolution, H. Res. 1322.

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.

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 H. Res. 1318, and adopting H. Res. 1318, if ordered.

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

PROVIDING FOR CONSIDERATION OF H.R. 5811, ELECTRONIC MESSAGE PRESERVATION ACT

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1318, on which a recorded vote was 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—ayes 228, noes 193, not voting 13, as follows:

[Roll No. 474]

AYES—228

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
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 (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
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)
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
Shays
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 (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—193

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)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Childers
Coble
Cole (OK)
Conaway
Crenshaw
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
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
Holden
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
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)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry

Tiahrt
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

Baird
Boswell
Brown-Waite, Ginny
Fossella
Hodes
Hulshof
Melancon
Pickering
Pryce (OH)
Renzi
Rush
Smith (TX)
Udall (CO)

□ 1555

Messrs. YOUNG of Alaska, HAYES, LUCAS, TURNER, BUYER, and SAXTON changed their vote from ''aye'' to ''no.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

MOMENT OF SILENCE IN REMEMBRANCE OF MEMBERS OF ARMED FORCES AND THEIR FAMILIES

The SPEAKER. The Chair would ask the House to observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in the service of our Nation in Iraq and Afghanistan, their families, and all who serve in our Armed Forces.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Without objection, 5-minute voting will continue.

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 5811, ELECTRONIC MESSAGE PRESERVATION ACT

The SPEAKER. The question is on the resolution.

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 229, nays 193, not voting 12, as follows:

[Roll No. 475]

YEAS—229

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
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 (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
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
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
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)
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
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 (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—193

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)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
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
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
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
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
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)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
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—12

Baird
Boswell
Brown-Waite, Ginny
Fossella
Hulshof
McMorris Rodgers
Melancon
Pickering
Pryce (OH)
Renzi
Rush
Udall (CO)

□ 1606

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

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. CON. RES. 362

Mr. CLAY. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor of House Concurrent Resolution 362.

The SPEAKER pro tempore (Mr. SALAZAR). Is there objection to the request of the gentleman from Missouri?

There was no objection.

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 of the House of the following title:

H.R. 6304. An act to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes.

ELECTRONIC MESSAGE PRESERVATION ACT

Mr. CLAY. Mr. Speaker, pursuant to House Resolution 1318, I call up the bill (H.R. 5811) to amend title 44, United States Code, to require preservation of certain electronic records by Federal agencies, to require a certification and reports relating to Presidential records, 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. 5811

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 ''Electronic Communications Preservation Act''.

SEC. 2. PRESERVATION OF ELECTRONIC COMMUNICATIONS.

(a) REQUIREMENT FOR PRESERVATION OF ELECTRONIC COMMUNICATIONS.—

(1) IN GENERAL.—Chapter 31 of title 44, United States Code, is amended by adding at the end the following new section:

''§ 3108. Electronic communications

''(a) REGULATIONS REQUIRED.—Not later than 18 months after the date of the enactment of this section, the Archivist shall promulgate regulations governing agency preservation of electronic communications that are records. Such regulations shall, at a minimum—

''(1) require the electronic capture, management, and preservation of such electronic records;

''(2) require that such electronic records are readily accessible for retrieval through electronic searches;

''(3) establish mandatory minimum functional requirements and a software certification testing process to certify electronic records management applications to be used by Federal agencies for purposes of complying with the requirements in paragraphs (1) and (2); and

''(4) include timelines for agency compliance with the regulations that ensure compliance as expeditiously as practicable but not later than four years after the date of the enactment of this section.

''(b) COVERAGE OF OTHER ELECTRONIC RECORDS.—To the extent practicable, the regulations promulgated under subsection (a) shall also include requirements for the capture, management, and preservation of other electronic records.

''(c) COMPLIANCE BY FEDERAL AGENCIES.—Each Federal agency shall comply with the regulations promulgated under subsection (a).

''(d) REVIEW OF REGULATIONS REQUIRED.—The Archivist shall periodically review and, as necessary, amend the regulations promulgated under this section.

''(e) REPORTS ON IMPLEMENTATION OF REGULATIONS.—

''(1) AGENCY REPORT TO ARCHIVIST.—Not later than four years after the date of the enactment of this section, the head of each Federal agency shall submit to the Archivist a report on the agency's compliance with the regulations promulgated under this section.

''(2) ARCHIVIST REPORT TO CONGRESS.—Not later than 90 days after receipt of all reports required by paragraph (1), the Archivist shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on Federal agency compliance with the regulations promulgated under this section.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 31 of title 44, United States Code, is amended by adding after the item relating to section 3107 the following new item:

''3108. Electronic communications.''.

(b) DEFINITION OF ELECTRONIC RECORDS MANAGEMENT APPLICATION.—Section 2901 of title 44, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (14);

(2) by striking the period at the end of paragraph (15) and inserting ''; and''; and

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

''(16) the term 'electronic records management application' means a software system designed to manage electronic records within an information technology system, including by categorizing and locating records, identifying records that are due for disposition, and storing, retrieving, and disposing of records stored in a repository.''.

SEC. 3. PRESIDENTIAL RECORDS.

(a) ADDITIONAL REGULATIONS RELATING TO PRESIDENTIAL RECORDS.—

(1) IN GENERAL.—Section 2206 of title 44, United States Code, is amended—

(A) by striking ''and'' at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(C) by adding at the end the following:

''(5) provisions for establishing standards necessary for the economical and efficient management of Presidential records during the President's term of office, including—

''(A) records management controls necessary for the capture, management, and preservation of electronic communications;

''(B) records management controls necessary to ensure that electronic communications are readily accessible for retrieval through electronic searches; and

''(C) a software certification testing process to certify the electronic records management application to be used by the President for the purposes of complying with the requirements in subparagraphs (A) and (B).''.

(2) DEFINITION.—Section 2201 of title 44, United States Code, is amended by adding at the end the following new paragraph:

''(6) The term 'electronic records management application' has the meaning provided in section 2901(16) of this title.''.

(b) CERTIFICATION OF PRESIDENT'S MANAGEMENT OF PRESIDENTIAL RECORDS.—

(1) CERTIFICATION REQUIRED.—Chapter 22 of title 44, United States Code, is amended by adding at the end the following new section:

''§ 2208. Certification of the President's management of Presidential records

''(a) ANNUAL CERTIFICATION.—The Archivist shall annually certify whether the records management controls established by the President meet requirements under sections 2203(a) and 2206(5) of this title.

''(b) REPORT TO CONGRESS.—The Archivist shall report annually to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives on the status of the certification.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 22 of title 44, United States Code, is amended by adding at the end the following new item:

''2208. Certification of the President's management of Presidential records.''.

(c) REPORT TO CONGRESS.—Section 2203(f) of title 44, United States Code, is amended by adding at the end the following:

''(4) One year following the conclusion of a President's term of office, or if a President serves consecutive terms one year following the conclusion of the last term, the Archivist shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on—

''(A) the volume and format of Presidential records deposited into that President's Presidential archival depository; and

''(B) whether the records management controls of that President met the requirements under sections 2203(a) and 2206(5) of this title.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect one year after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to House Resolution 1318, 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. 5811

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 ''Electronic Message Preservation Act''.

SEC. 2. PRESERVATION OF ELECTRONIC MESSAGES.

(a) REQUIREMENT FOR PRESERVATION OF ELECTRONIC MESSAGES.—

(1) IN GENERAL.—Chapter 29 of title 44, United States Code, is amended by adding at the end the following new section:

''§ 2911. Electronic messages

''(a) REGULATIONS REQUIRED.—Not later than 18 months after the date of the enactment of this section, the Archivist shall promulgate regulations governing agency preservation of electronic messages that are records. Such regulations shall, at a minimum—

''(1) require the electronic capture, management, and preservation of such electronic records in accordance with the records disposition requirements of chapter 33 of this title;

''(2) require that such electronic records are readily accessible for retrieval through electronic searches;

''(3) establish mandatory minimum functional requirements for electronic records management systems to ensure compliance with the requirements in paragraphs (1) and (2);

''(4) establish a process to certify that Federal agencies' electronic records management systems meet the functional requirements established under paragraph (3); and

''(5) include timelines for agency compliance with the regulations that ensure compliance as expeditiously as practicable but not later than four years after the date of the enactment of this section.

''(b) COVERAGE OF OTHER ELECTRONIC RECORDS.—To the extent practicable, the regulations promulgated under subsection (a) shall also include requirements for the capture, management, and preservation of other electronic records.

''(c) COMPLIANCE BY FEDERAL AGENCIES.—Each Federal agency shall comply with the regulations promulgated under subsection (a).

''(d) REVIEW OF REGULATIONS REQUIRED.—The Archivist shall periodically review and, as necessary, amend the regulations promulgated under this section.

''(e) REPORTS ON IMPLEMENTATION OF REGULATIONS.—

''(1) AGENCY REPORT TO ARCHIVIST.—Not later than four years after the date of the enactment of this section, the head of each Federal agency shall submit to the Archivist a report on the agency's compliance with the regulations promulgated under this section.

''(2) ARCHIVIST REPORT TO CONGRESS.—Not later than 90 days after receipt of all reports required by paragraph (1), the Archivist shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on Federal agency compliance with the regulations promulgated under this section.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 29 of title 44, United States Code, is amended by adding after the item relating to section 2910 the following new item:

''2911. Electronic messages.''.

(b) DEFINITIONS.—Section 2901 of title 44, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (14);

(2) by striking the period at the end of paragraph (15) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

''(16) the term 'electronic messages' means electronic mail and other electronic messaging systems that are used for purposes of communicating between individuals; and

''(17) the term 'electronic records management system' means a software system designed to manage electronic records within an information technology system, including by—

''(A) categorizing and locating records;

''(B) ensuring that records are retained as long as necessary;

''(C) identifying records that are due for disposition; and

''(D) the storage, retrieval, and disposition of records.''.

SEC. 3. PRESIDENTIAL RECORDS.

(a) ADDITIONAL REGULATIONS RELATING TO PRESIDENTIAL RECORDS.—

(1) IN GENERAL.—Section 2206 of title 44, United States Code, is amended—

(A) by striking ''and'' at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(C) by adding at the end the following:

''(5) provisions for establishing standards necessary for the economical and efficient management of Presidential records during the President's term of office, including—

''(A) records management controls necessary for the capture, management, and preservation of electronic messages;

''(B) records management controls necessary to ensure that electronic messages are readily accessible for retrieval through electronic searches; and

''(C) a process to certify the electronic records management system to be used by the President for the purposes of complying with the requirements in subparagraphs (A) and (B).''.

(2) DEFINITION.—Section 2201 of title 44, United States Code, is amended by adding at the end the following new paragraphs:

''(5) The term 'electronic messages' has the meaning provided in section 2901(16) of this title.

''(6) The term 'electronic records management system' has the meaning provided in section 2901(17) of this title.''.

(b) CERTIFICATION OF PRESIDENT'S MANAGEMENT OF PRESIDENTIAL RECORDS.—

(1) CERTIFICATION REQUIRED.—Chapter 22 of title 44, United States Code, is amended by adding at the end the following new section:

''§ 2208. Certification of the President's management of Presidential records

''(a) ANNUAL CERTIFICATION.—The Archivist shall annually certify whether the records management controls established by the President meet requirements under sections 2203(a) and 2206(5) of this title.

''(b) REPORT TO CONGRESS.—The Archivist shall report annually to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives on the status of the certification.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 22 of title 44, United States Code, is amended by adding at the end the following new item:

''2208. Certification of the President's management of Presidential records.''.

(c) REPORT TO CONGRESS.—Section 2203(f) of title 44, United States Code, is amended by adding at the end the following:

''(4) One year following the conclusion of a President's term of office, or if a President serves consecutive terms one year following the conclusion of the last term, the Archivist shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on—

''(A) the volume and format of Presidential records deposited into that President's Presidential archival depository; and

''(B) whether the records management controls of that President met the requirements under sections 2203(a) and 2206(5) of this title.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect one year after the date of the enactment of this Act.

The SPEAKER pro tempore. The gentleman from Missouri (Mr. CLAY) and the gentleman from Virginia (Mr. DAVIS) each will control 30 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

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

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

There was no objection.

Mr. CLAY. Mr. Speaker, at this time I would like to recognize and yield 5 minutes to the chairman of the Committee on Oversight and Government Reform, Mr. WAXMAN.

Mr. WAXMAN. Mr. Speaker, I rise in strong support of H.R. 5811, the Electronic Message Preservation Act of 2008, and I want to thank Representatives CLAY and HODES for their commitment to oversight and accountability and for their hard work on this bill.

The Electronic Message Preservation Act amends both the Federal Records Act and the Presidential Records Act to ensure the preservation of e-mail records.

In recent years, e-mail has become an essential form of communication and a key source of information about Federal decision-making. Despite the importance of these records, serious deficiencies exist in the way e-mails are preserved both by the White House and Federal agencies. The preservation of these records must be improved if historians are to have access to a complete record of government decision-making and if Congress is to perform needed oversight.

Under President Bush, the White House has allowed senior officials to use nongovernmental e-mail accounts maintained by the Republican National Committee for official business. An investigation by the Committee on Oversight and Government Reform found that many of these e-mails have been destroyed. Other e-mails have been lost because the White House relied for 5 years on an e-mail archiving system described as ''primitive'' by a former White House information technology officer.

While the problems have been particularly acute under the Bush administration, other administrations, including President Clinton, have also encountered problems preserving e-mail records.

To ensure that these Presidential records are appropriately preserved, H.R. 5811 directs the Archivist to establish standards for the capture, maintenance and preservation of e-mail records and to certify that the White House is meeting these standards.

Committee investigations have also revealed that Federal agencies are inconsistent in the management of e-mail records. Most agencies still rely on an unreliable ''print and file'' process to preserve e-mail records rather than preserving them electronically.

GAO, in a report released yesterday, found that senior agency officials are not compliant with key e-mail preservation requirements. GAO reviewed the practices of senior agency officials and determined that the e-mails were not retained in adequate record keeping systems, making the e-mail records easier to lose or delete and harder to find and use.

This bill would modernize agency record keeping. The bill directs the Archivist to issue regulations mandating that within 4 years of the enactment of this legislation, all Federal agencies manage and preserve their e-mail records electronically.

Mr. Speaker, some have said that this bill is about preserving history. And it is. But it also is about our constitutional responsibility for oversight and for holding this and any administration accountable. Access to Presidential and Federal records helps us do our job. I urge all Members to support this bill.

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5811, the Electronic Message Preservation Act would require the preservation of certain electronic records by Federal agencies and certification in reports by the National Archives relating to Presidential records.

Why are we taking up this bill? We have been out of session for more than a week. We have been getting ready for a month-long recess, and this is the best they can offer to discuss on the House floor? This is the major bill of the week? Not the housing crisis, not gasoline prices, not retirement security for baby boomers, we are here today to talk about preservation of electronic records in Federal agencies.

□ 1615

This is the best they can come up with?

And though the answer to that is appropriately ''yes,'' this bill doesn't take the right approach. As I said many times, secure information is the lifeblood of effective government. And more often than not, in today's society, information takes the form of electronic transmissions and e-mails.

I have personally spent years focusing on government-wide information management and policy and have consistently encouraged the Federal Government to continue to embrace digital government, expand e-government initiatives and find more ways to leverage information technology.

With more and more of the government's business conducted electronically, we need to make sure our records are protected and preserved. Effective government is essential, and an effective government depends not only on secure information but on an accurate record.

The majority substitute amendment at markup addressed certain technical definitional concerns that we raised. It clarified that the legislation would apply to electronic messages rather than electronic communications and provided a workable definition of ''electronic messages.'' Similarly, based on comments from the National Archives that the term ''electronic records management applications'' may limit agencies' abilities to adopt changing technologies, the amendment clarified that agencies and the White House should rely on broadly defined electronic records management systems to manage records.

At that time, I urged the chairman to continue to refine this bill to make sure that we got it right on issues like managing the cost of preserving unknown, but presumably vast, electronic databases, how to include emerging media in a system, and the functional parameters of any requirement that voluminous and varied data be ''searchable.'' Those issues have not been addressed in any meaningful way in the markup.

In addition, several issues raised by the Archives and the White House remain unresolved as well. For example, Archives believes that the annual certification requirement is unprecedented and would be a significant departure from accepted and long-standing practice. Also, there are several clarifications of terms and definitions asked for by the Archives which are not addressed in the bill we're taking up today.

In addition, among other things, the White House views the bill as overturning the historical distinction in law between agency records and Presidential records, and the Statement of Administration Policy issued yesterday reiterates the White House's veto threat.

Now, we have to remember the White House in this case is protecting the ''institution,'' not the Bush administration. This bill doesn't affect the current administration. And our interests here are institutional as well. But if we want to legislate, we should do it appropriately and thoughtfully, not in some needless rush to somehow punish an administration that won't even be affected by this bill.

I'm not certain that this bill is the appropriate legislation, but I do believe legislation is necessary in this area. And I want to work with Chairman WAXMAN and the White House and the Archives on a bill that will give appropriate guidelines to agencies and the White House on preserving electronic records.

I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield 5 minutes to the gentleman from New Hampshire (Mr. HODES).

Mr. HODES. I thank my distinguished colleague, Mr. CLAY, for his leadership along with Mr. WAXMAN on this bill.

I rise today in strong support of H.R. 5811, the Electronic Message Preservation Act. My colleague from Virginia has said that the Archivist suggests that the requirement for certification under this bill is unprecedented. Well, this bill is filed, in part, as a response to White House practices that have been unprecedented and show clearly the need for this legislation. The documents, which include e-mails, correspondence, memos produced by an administration belong not to the President but to the people of the United States.

This bill will help ensure that these records are preserved properly for our future generations, and more importantly, this bill will help lift the veil of secrecy that has fallen over our government under this administration.

Every day the President and his staff generate thousands of documents on the issues confronting our Nation. These documents contain important insights into the way that our government is making decisions that affect our lives. Why are those decisions being made? Who benefits? Who gets to influence our government leaders?

We have serious concerns about the way the White House is preserving these documents, or not preserving them, and whether the true purpose of not preserving them is to hide the dealings from the American people. Through the investigations by the House Oversight and Government Reform Committee, we have learned that the White House lost hundreds of days of e-mail records between the years 2003 and 2005. Additionally, it appears that senior officials in the White House have been found to be skirting the historical record laws by using an e-mail system provided by the Republican National Committee for most of their e-mail correspondence.

For example, Karl Rove, former Deputy Chief of Staff, is said to have used the RNC system for 95 percent of his e-mail correspondence to which the American people will never have access. Under the Presidential Records Act, the President has the sole authority to manage his records during his time in office. The General Accountability Office found that this administration did not keep records as it was required to.

So the question becomes: What were they trying to hide? It is no surprise that the administration that leaked Valerie Plame's covert identity and organized propaganda to promote a war in Iraq is evading record-keeping practices to hide information from the American people. This is arguably partisan politics at its worse, and the only remedy is more accountability and more sunshine. The Electronic Message Preservation Act will help to make sure that these important records are kept and help shine light on what our government is doing and why.

Mr. Speaker, I would like to enter for the RECORD a letter supporting this legislation that brings accountability back to the White House. The letter was signed by a number of groups that advocate for an open, transparent government, including the Government Accountability Project and openthegovernment.org.

Mr. Speaker, the Bush administration has been one of the most secretive and least transparent and most closed in American history. We still don't know what was said in closed-door meetings with Big Oil executives to set our energy policy, and today, we suffer from record-high gas prices. The secrecy in the White House has prevented officials in the White House from being held accountable to the American people.

The Electronic Message Preservation Act will reform White House record keeping and allow the American people to have confidence that future administrations will not be able to hide the truth from the people of this country or from history.

JULY 9, 2008.

Hon. HENRY WAXMAN
Chair, House Committee on Oversight and Government Reform, House of Representatives, Washington, DC.

DEAR CHAIRMAN WAXMAN: We are writing to support the passage of H.R. 5811, the Electronic Message Preservation Act.

Investigations and reports by your Committee and by several nonprofits document the significant deficiencies in the preservation of e-mail by the federal government. H.R. 5811 directs the Archivist of the United States to establish standards for the capture, management, and preservation of White House e-mails and other electronic communications and to issue regulations requiring agencies to preserve electronic communications in an electronic format. This legislation demonstrates that Congress is paying attention to this serious issue, and taking steps to begin addressing the systemic problems with electronic records in general and electronic communications records that the federal agencies and the White House have failed for too long to address.

Thank you for your leadership on this critical aspect of government management and accountability. We look forward to working with you on this and other issues in the future.

Sincerely,

American Association of Law Libraries, American Library Association, Association of Research Libraries, Common Cause, Essential Information, Freedom of Information, Oklahoma, Government Accountability Project (GAP), iSolon.org, Liberty Coalition, National Coalition Against Censorship, National Coalition for History, Mine Safety and Health News, and Minnesota Coalition on Government Information.

Mississippi Center for Freedom of Information, National Freedom of Information Coalition, National Security Archives, National Press Club, 9/11 Research Project, Open TheGovernment.org, Peacefire, People For the American Way, Project on Government Oversight (POGO),

ReadtheBill.org Foundation, Society of Professional Journalists, and Washington Coalition for Open Government.

Mr. DAVIS of Virginia. Let me just note that as the chairman noted in his opening remarks, this was not just a Bush administration issue, this was a Clinton administration issue as well. Over 2 million e-mails were lost from the Vice-President's office, according to the GAO.

There has been a great deal of attention paid to the White House e-mails, and the chairman and I are both working to make sure we can preserve all the records from this administration. We've had a long-going investigation on the committee, and a lot of Bush bashing here today has become a personal hobby or even a crusade for some.

I understand the desire to pass legislation and score points, but I hope my colleagues recognize that this bill does nothing today to this administration. This doesn't take effect until the next administration. It's effective 1 year after enactment. So keep in mind these provisions affect the next President and the next administration for which there is no guidance for the White House, and that's why the need for legislation is there.

Our objection and concern, and something we hope to work with the majority on, is that this legislation is currently too broad and it gives unlimited authority to the Archivist who doesn't even want it. There's got to be a better medium to be able to do that. But if we're going to be in the games of blasting the administration which this will not even apply to, we can play the game, too.

I would yield at this point 4 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding, and I rise in opposition to this bill for the reasons stated by the gentleman from Virginia. We could have had a bill here with bipartisan support dealing with the problems as they truly exist, but instead, we have this bill on the floor.

The gentleman that just spoke on the other side of the aisle talked about the fact that we had unprecedented action by this administration and therefore we need to act. The fact of the matter is that what is unprecedented, what is unprecedented is the tremendous increase that we have had in the cost of gasoline to average Americans back home.

I just got back from my district. I had two town hall meetings. I met with people at a local gas station. I talked with many, many other people. They didn't want to know about what we were going to do about electronic record keeping, and I do disappoint the gentleman. That was not on the tip of their tongues. That was not in the back of their brain. They never even thought about it. Frankly, they think we could do that some time else. As a matter of fact, since this bill doesn't take place until another year, we could do it another time.

What we should be doing here is responding to the American people who are saying, When are you people going to get your act together?

So I came back hoping that I could find the electronic communications, the secret e-mails of the Democratic leadership as to what we're going to do about energy. And what I found was the statement by one of the aides to one of the top Democrat leaders, and this is their energy plan: Right now, our strategy is drive small cars and wait for the wind. Drive small cars and wait for the wind.

I hope everybody across this land understands what the Democratic plan for energy appears to be. It basically means, listen, to those of you back home, sit down and shut up; you don't know what you're talking about. We've got more important things to do. We have to rush back and deal with the electronic record keeping bill because that is what is going to be most important to the American people.

Now, I don't know about you, but I haven't found a single person in my district who drives with a wind-driven car. And I'm all for wind energy, and I'm all for solar energy. They want to know when we're going to do something about bringing the cost down.

Now soon, we might hear from the Democratic side they're going to bring a bill to suspend the laws of economics, and they're going to tell us that supply and demand no longer prevail. Maybe that's the new magic we're waiting for. But that won't satisfy the people in my district. I'm in a small community in the foothills. The people I met in the Delta, in Rio Vista, the folks I met in Citrus Heights, the folks I was talking to in the Sacramento area, they demand that we do something now. And what we ought to be doing is drill here. That's in America. Drill now. Not 10 years from now. And pay less.

Now you can hear all the arguments that it's not going to make any difference. If it's not going to make any difference, why do we hear from the Speaker of the House that their first step with dealing with this is to empty the Strategic Petroleum Reserve claiming that that's going to make a big impact on the world market? At least they're saying that supply does matter. If supply really matters, then let's not tell the American people, as we hear now from the Democrats, drive small cars and wait for the wind, or as we hear from the Senator from Illinois who said that he's not so upset about the price of gasoline going up, it's that it went up so fast. It would have been better for us if the price of gasoline had gone up more slowly and continued on. That's not an energy policy.

So while I respect the work of the chairman of the subcommittee and the committee on this issue, and as important as electronic message preservation is, it pales, it pales compares to the energy needs of the American people. And certainly we can do better. We ought to demand we do better. We ought to do better or not go home at all.

Mr. CLAY. Mr. Speaker, to get back to the subject matter before the House, I yield 3 minutes to the gentleman from California (Mr. WAXMAN).

□ 1630

Mr. WAXMAN. Thank you very much for yielding.

The issue of energy is very much related to this question of e-mails and the preservation of the records. Now, why do we have our energy problems in this country? Suddenly Republicans are saying, notwithstanding the fact that they have run this government for 7½ years, the Democrats, the Democrats are at fault.

Well, let me point out that as soon as President Bush came into office, he asked Vice President CHENEY to chair an energy task force, and they operated in secrecy. We don't know exactly who they heard from or what they were asked to do, but we know that the legislation that the administration requested from the Congress was for billions of dollars to be given to the oil, gas, coal, and nuclear industries, industries that are making record profits.

Now, at that same time, those of us from California were having a very difficult situation because energy wholesalers, including Enron, were holding back supplies in order to drive up the price, and we all met with Vice President CHENEY. And you know what he said to us, The reason you're having high prices of electricity is because of environmental laws. And we said, No, it's because we're being taken to the cleaners by Enron and other energy wholesalers. And he said, No, it's not true. Well, when we did our investigations on Enron, we found out it was exactly what was happening.

Now, the point I want to make is we don't know what went on with this administration's deliberations for energy policy. We know that they've all failed. We wouldn't have the high price of gas today if they had done their job of getting us off our reliance on oil because we're so dependent now on bringing in oil from overseas. Even if we drill every possibility in the United States, we'd still be importing oil from places that are very vulnerable and are very hostile to us.

But this energy task force, and this administration, proposed benefits for the oil companies and no policies to help us get out of that dependence on foreign oil and domestic oil, to look for alternatives, to look for conservation, to do something other than drill, drill, drill, and make the oil companies more profitable.

And when we tried to find out what went on, we couldn't get the e-mails. We couldn't look at the e-mails. And why? Well, do you know why? Because they weren't using e-mails from the government of the United States while they were doing government business.

They were using the e-mails of the Republican National Committee. Are they doing Party business or are they doing government business?

That's one of the reasons we need this bill, and we need to get away from this partisanship on the question of high oil prices.

Mr. DAVIS of Virginia. Mr. Speaker, let me just note that, once again, getting back to the legislation at hand, which has not been discussed recently, the Archivist, in testimony before the committee, noted that the cost of this bill could be billions of dollars before all is said and done. That money would come out of agency programs. That's money not spent on securing information. That's money for an open-ended and poorly defined initiative.

We want to better define this and work with the majority to do that, something I thought we had agreed to in the committee. We need to get a better hand on the price tag involved before we move forward.

I yield at this point 3 minutes to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. I thank the gentleman from Virginia for yielding, and, Mr. Speaker, I rise today to confirm what I'm hearing here.

We've got an energy crisis. Gas prices, food prices are through the roof, but the answer is to investigate. People at home in Raeford, North Carolina, and Laurinburg and Albemarle are telling me: Congress, legislate. Do what you need to do to get the price of gasoline down.

But I hear today we're going to investigate future Presidents and how they communicate. My concern, Mr. Speaker, as I listen to my constituents carefully at home is they're going to examine the records, electronic and otherwise, of this Congress, and they will see that we failed to legislate and do the four things that we need to do to drive down the price of gas.

Expand our nuclear capacity, it's clean. We need to have tar sands. We need to have coal turned into liquid and burn cleanly. We need to expand our refinery capacity because, as we import refined product, it costs us even more. And oh, by the way, exploration and drilling in areas where we have known reserves is something that we could stand together on the steps of this Capitol today and say we were going to do, and people around the world who watch signals, telling us where the price of energy is going, would see that America, the richest, the best, and the most powerful Nation in the world, is serious about becoming dependent of energy.

But no, Democrats, Republicans, I hear it off the floor of this House, Democrats want to do that, Republicans want to do that, yellow dogs, Blue Dogs, but the big dogs, the Democrat leadership, refuse to allow a vote on this floor that will do the four things that I'm talking about.

It's even in our own internal newspaper. It was there yesterday. Read it and weep. We need to act. We have the ability, the capability, and the capacity to do that. And by the way, we must not, as we take the steps we need to take, let happen what has happened before, and that is, as we drive gas prices down, and we can—and there's a bill with my name on it that says any money that we derive from additional leases will be used for research and development for alternative sources of energy which are crucial.

So, Mr. Speaker, legislate, do it now, get gas prices down.

Mr. CLAY. Mr. Speaker, at this time, I yield 2 minutes to my good friend from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I want to commend Chairman WAXMAN and Representative CLAY for their recognition of this serious deficiency that we have in the way that we handle White House e-mails.

You know, the more I listen to this debate, the more convinced I am that we need H.R. 5811, the Electronic Message Preservation Act, and I'm convinced because even as we talk about energy, even as we talk about the solution to problems, and even as we talk about Blue Dogs and yellow dogs and big dogs, it seems to me that we ought to be able to know what the conversations are about in the White House. It seems to me that we ought to be able to look back historically and find out what was being discussed, what was being planned, what the deliberations were.

And as long as the level of secrecy exists, and I don't care which administration it is, then it means that the public does not know, and this bill simply opens up information and opportunity for the public to know.

I support it.

Mr. DAVIS of Virginia. I would yield 4 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, I thank my friend from Virginia.

I rise in opposition to this. Here we are talking about e-mails from the White House and the executive branch when all we're hearing from the people in America is you've got to help us with energy prices.

Now, I realize there may be, if you look at enough e-mails from the White House, you may find out they're getting the same messages that all of us are getting: help us with energy prices, we're desperate.

Now, what I was hearing was from retailers, from restaurateurs, from people that are providing jobs, from people who have jobs and they're hanging on just by the skin of their teeth. They're union jobs, hardworking folks like that, that are just trying to make ends meet, and now they're at the end point where they're having to use their credit cards to pay for gas to get to the job so they can get paid so they can pay down their credit card enough to buy gas the next month. I'm seeing more and more people running out of gas on the interstate. They're getting desperate. And what is so sickening to me is knowing that in the last year all these different resources are becoming so much more clear that we have.

You know, we have been told, some of us, that there may be 900 billion to 1 trillion barrels of oil left in the entire Middle East, and then we hear that from that black shale that's in Utah, Colorado, and Wyoming, that we could recover three times that much at least in barrels of oil that could supply this Nation.

We've heard for all these decades now, for 3 decades, gee, let's don't go after ANWR, it will take 10, 15 years. Well, the latest information, as my friend from Alaska has pointed out, is there's a pipeline 74 miles away. It can be flowing to this country, this continental U.S., within 3 years.

And when you think about the Outer Continental Shelf, we may have more natural gas out there than any country in the world. We have been so blessed with natural resources, and yet, instead, we're making our citizens struggle just day-to-day to make ends meet. We're losing jobs. People are laying people off.

And I know—and I said this over a year ago—I know we have friends across the aisle who believe that perhaps even $20 a gallon gasoline would be a good thing because it would save the planet because people would quit using it. And as Al Gore said, the internal combustion engine was the worst invention ever created for the destruction of man, something along those lines.

And the fact is, we do need to move to the alternative energy sources. We need to do that. But it's going to be 30, 40 years before we can get there, and in the meantime, it appears now we have enough natural resources, we could tell some of these other countries to kiss our backside and we don't need your fuel anymore. We can do it with what we have ourselves, and we ought to be doing that.

We ought to be doing coal-to-liquid. We ought to be using ANWR, and what's more, if you look at the royalties that could be obtained from all of that wealth of resources, we could cut taxes and create some of the programs that my friends across the aisle want to do. Do all of that with the massive revenue that would come in. Everybody would win, but until we get realistic and want to help folks, all we're going to be doing is talking about e-mails.

So let's do the right thing by the people that send us here. Let's help them with their energy costs. It is getting desperate, and it's time to put that word and all that wind being created—you talk about carbon emissions. There's no worse carbon emitter than this floor of the House of Representatives, gosh, with all the wind being generated.

But let's do something constructive and put it into action.

Mr. CLAY. Mr. Speaker, before returning to the subject matter before

the House, I yield myself as much time as I may consume.

I'm pleased to join my colleagues in the consideration of H.R. 5811, and H.R. 5811 seeks to modernize the requirements of the Federal Records Act and the Presidential Records Act to ensure the preservation of e-mails and other electronic messages.

This bill was introduced by Chairman WAXMAN, Representative HOLT and myself on April 15 and reported as amended from the committee on June 11. I want to thank Chairman WAXMAN and Representative HOLT for their dedication to this important issue.

Now, my friend from Virginia and others have made some statements that I would like to refute, and one is that this bill strikes a careful balance. It's not going after this administration, but the Act itself recognizes the President's authority to carry out the day-to-day management of his records. This bill preserves that framework.

The Federal Records Act gives the Archivist the authority to conduct inspection of agencies' record keeping programs, but the Presidential Records Act does not include such language. This bill does not give the Archivist any new authority to conduct inspections of Presidential records. And also, the Archivist has the expertise and the responsibility to determine how records should be managed and preserved and to certify that it is done properly.

The status quo of having those at the White House make the decisions has not worked, and so, therefore, Mr. Speaker, we know that this bill is needed. And that's why we have it under consideration on the floor today.

□ 1645

I urge my colleagues to safeguard our Nation's rich history. Therefore, I urge swift passage of the bill.

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

Mr. DAVIS of Virginia. Let me again just say to my friend from Missouri and the chairman of the committee, we appreciate their efforts on this.

We all agree that this initiative has to be addressed, that from previous administrations from both parties there have been shortcomings in our ability to adequately preserve electronic records, that these administrations don't have the proper guidance from the outset. We recognize that this bill will not affect the current administration, it will affect the next administration.

I think the frustration on this side of the aisle comes from the fact that, although this is an important issue, that the most important issue in this country right now are the rising cost of fuels. And we can't have a debate on that because the leadership on the other side refuses to allow us votes on more domestic exploration. And the only meaningful energy debate that we can have on the House floor comes on this bill, to expand the National Archives' ability to preserve electronic records from the executive branch.

This is a great frustration, I think, not just on this side, but on the other side as well, to discuss this issue in a bipartisan manner, to debate this issue, to make the requisite compromises and accommodations to address this problem in a bipartisan manner, to include more alternative fuel options and more research and development in these areas, but also to include more domestic production and more conservation efforts. I think they're all part of it. And we are sitting here on, I think, issues that are important, but not nearly as important as the issues we're all hearing about when we go home.

To that end, I yield 4 minutes to the former chairman of the Transportation Committee, the gentleman from Alaska (Mr. YOUNG).

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. I thank the gentleman for yielding.

This is an issue. And the frustration on this side—and it should be on that side—is on the lack of an energy policy that only Congress can solve.

I know there's a lot of talk. The Speaker just sent a letter to the President to use the SPR, as if that's going to solve the problem. That's not going to solve the problem. In fact, it will make the problem worse. We have to address the supply side of this issue, and we're not doing it.

The last time we produced any new energy on this floor was 1973 when we had an embargo and we had no fuel, so we passed the Trans-Alaskan Pipeline. In 1976, we produced the first barrel of oil to America from Alaska. In 3 years, we built an 800-mile-long pipeline 48 inches around. We built the terminus point in Valdez, and I wear that today on my tie. We drilled the wells and we built the collection lines to deliver that oil. And we got as high as 2.2 million barrels a day to the United States of America because we were under the threat at that time, the same threat we are today, of control by overseas forces, not forces of military fact, but in fact those that control our supply. At that time, we were importing 39 percent of our oil from overseas. Today, it's 70 percent. And we have done nothing in this Congress to relieve that problem.

Your constituents are paying for it today. There is no shortage of fuel. There is a high cost of fuel because we don't have the domestic capability of providing it. We need to have this debate on the floor. Let us stand up and be counted on both sides of the aisle who is for domestic production.

There is no shortage of fossil fuel in the United States of America. We have an abundance of it. We've had the lack of will to produce it. It was easier to buy it abroad. We just had a sale in Alaska, other than ANWR, in Chukchi Sea about $2.6 billion from an oil company to try to develop it because there is a lot of argument on that side, well, they're not drilling the acreage they have now. You know why they're not drilling? Because your friends and your allies are filing suits not allowing them to drill, suits that say, oh, there's going to be polar bears affected or there's going to be some little other type of animal affected. In the meantime, your constituents are paying that $4.62 a gallon. Yes, the oil did drop yesterday, but it will go up tomorrow and the next day because we are not supplying the oil to our people through the domestic source.

We have the shale that was mentioned in Utah and Wyoming and all the other areas, Colorado; huge amounts of oil. We have more coal in the United States than there is all around the world and we're not developing it. We have not had the will to develop it because this Congress sits by and talks about saving records of the past administration. Your bill may not do that, but this is what this is all about. And I'm saying that doesn't produce any gas. That doesn't help the truck driver. It costs $2,000 to fill up one Peterbilt truck that delivers your food to your grocery store. Wait until that price starts hitting the prices in the grocery store, and it already has. The harvester who harvests the grain today now is paying sometimes as high as $4 and $5 for diesel fuel to run it. That's going to affect you, too.

We have not acted on this floor. And the responsible way of addressing the issue—now, some people will say we'll have the other forms of energy, wind and hippy-hoppies and that type of thing to solve the problem. But the reality is fossil fuels drive objects. It's the trucks, the planes, the trains, and the automobiles that deliver to your homes and your hospitals and your schools, and we must have that.

Yes, we can go into nuclear. Yes, we can go into wind. Yes, we can go into solar. And we can go to geothermal and hydro. We can do all those things and we should. My bill, H.R. 6107, to open ANWR—this, by the way, 12 times it passed this House floor. We won't have a vote on it this year, but we should have a vote. The one time we got it out of the Senate and Bill Clinton vetoed it.

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

Mr. DAVIS of Virginia. I yield the gentleman 2 additional minutes.

Mr. YOUNG of Alaska. Bill Clinton vetoed it because he said it will take 10 years to produce it; ANWR, 10 years. That was 13 years ago. If we had built it then, we would have it pumping today over 1 million barrels a day, but no, he didn't do that.

Let me stress again, ANWR is, in fact, 74 miles away from the existing pipeline, 800 miles long, a terminus point and all the infrastructure in place, and we built that in 3 years. And if you don't think we can build a pipeline 74 miles away and drill the oil and

get it to that pipeline in 3 years, you're not studying this fact. It can be done for the American people.

I'm asking you on both sides, let's drill, let's develop our domestic sources for the good of America, the good of the Nation, and make sure we can go forth.

Mr. CLAY. Mr. Speaker, I continue to reserve.

Mr. DAVIS of Virginia. Mr. Speaker, because of the inability to figure what the costs of this are, and that's from the Archivist's own testimony, money will be taken from other parts of the budget to pay for this until we can get a handle on it, including information security. And I would remind my friends that secure information is the lifeblood of effective government.

We all know there have been a wide range of incidents involving data loss or theft, privacy breaches and security incidents at Federal agencies. The protection of personal information at Federal agencies presents unique challenges. These recent data breach incidents demonstrate the importance of strengthening the laws and the rules protecting personal information held by Federal agencies.

And we can't address these issues after the fact. The evolving nature of cyber threats requires us to continually look for ways to improve government information privacy and security. We need to be proactive, not retroactive. I am concerned that the costs of this bill, being as nebulous as they are, without the regulations written and the like, will draw away from some of these other areas.

In summary, let me just say our concerns at this point are our inability to pin down the cost, which could be in the billions of dollars. The Archivist testified that the cost could be in the billions. The unlimited and unclear authority to the Archivist—who doesn't really want this authority in this particular case—to define it, these are issues that we can work on as it moves through. There are issues that need to be worked on. It's an issue that needs to be addressed. But I'm not comfortable with the way the legislation reads today.

Finally, we have to think about what we're doing here in shifting the Archivist from an advisory and collaborative role to that of a regulatory enforcer in a role that they have never had in the past.

Again, I think the legislation is a step forward in many ways, but it needs some refinement. We had hoped to be able to offer some amendments, but we just got word last Wednesday or Thursday this bill was on the floor. I didn't arrive back in town until Tuesday, when the deadline had expired, so we were not able, from our point of view—I was incommunicado—to address this, not having the advance warning, or we might have been able to address these through the amendment process.

At this point, I yield 3 minutes to the gentleman from Pennsylvania (Mr. PETERSON), who has been waiting patiently.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I've been listening to the discussion and the debate here. Having served in local government and State government and here in Washington, I find it unbelievable that we're talking about an issue that came from an energy discussion of the beginning of the Bush administration's e-mail records.

Back home people are struggling—and I live in a big rural area—to drive their cars. They're soon going to find out that natural gas prices are probably going to double by fall and the costs to heat their homes are going to double. My schools are going to pay twice as much to transport their children. They're going to pay twice as much to heat those schools. My hospitals are going to pay twice as much to heat those facilities and to transport patients. I'm losing the air service at my rural airports because you can't fly small planes with these fuel prices.

This country's economic base is crumbling as we talk here today because of exploding energy costs. We are not going to live in the country we were born in. Opportunity is not going to abound. Americans are frightened and concerned, and we're worried about e-mail records of a meeting 8 years ago.

I think our priorities are backwards. We passed an energy bill in '05 that was timid. I think this administration has been timid. We've had three administrations in a row that locked up our Outer Continental Shelf, the only modern country in the world to do that. We've had 14 Congresses in a row that have locked up the Outer Continental Shelf where there's huge resources.

I'm for all the wind we can produce. I'm for all the solar we can absorb. But if we double them both in the next 5 years, we're less than 1 percent of our energy need, and our energy need is growing more than 1 percent a year, so it can't even fill that gap.

Whether we like it or not, we need fossil fuels. We need coal, we need oil, we need gas—clean, green natural gas. I can't believe that people are afraid of drilling a gas well.

Natural gas is driving the blue collar jobs out of this country as we speak. Dow Chemical used to do 64 percent of its business in this country in 2000; they're now at 34 percent of their business in this country. They paid $8 billion for gas in '02; they now pay $8 billion in natural gas quarterly. They can't afford to be here, folks.

Americans can't afford to heat their older homes. They can't afford to drive their older cars. One hundred small trucking companies are going out of business every week because they can't afford fuel oil prices.

The working poor of this country are being destroyed economically. The middle class are going to become poor. Most people in this Congress won't feel much pain. They can afford to pay these prices. But I want to tell you, my neighbors can't. A young lady that lives besides me drives 36 miles to work. She makes $11 an hour.

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

Mr. DAVIS of Virginia. I yield the gentleman an additional 30 seconds.

Mr. PETERSON of Pennsylvania. She pays $200 a month to heat her home, and she can't afford a doubling of those prices and she can't afford to drive to work. I can tell you story after story after story.

Mr. CLAY. Mr. Speaker, I continue to reserve.

Mr. DAVIS of Virginia. Mr. Speaker, I think we have discussed this, and more, over the last few days.

I would just note that the frustration of some of our Members comes from the fact that we have massive issues facing this country; retirement of baby boomers and what this does to Federal budget deficits in the out years, and what this means to our future generation; American competitiveness, immigration, health care, and energy costs, and we're not dealing with them. We're kind of fiddling, sitting on this until after the election, and the public wants action now.

I would say this though, I would say to our chairman, he is moving ahead with items under his agenda. I appreciate him moving on this. I hope to work with him in the future, should this be successful, to try to strengthen this bill as it moves through.

I yield back the balance of my time.

Mr. CLAY. Mr. Speaker, this bill addresses a real problem, and that is a government operating in secret. And it requires agencies to electronically preserve e-mail records.

Additionally, the bill has new requirements for the maintenance and preservation of e-mail records that are sent and received by Presidential advisers. The bill calls on the Archivist of the United States to establish standards for the management and preservation of these records.

It's ironic, Mr. Speaker, that the other side has talked about energy during this entire debate when this administration's energy policy was conducted in secret, which may explain why the country is in the position it is in now because there was no openness to the policy, and this certainly wasn't the correct path to take.

With that, Mr. Speaker, I hope we can go on and pass this bill and open up our government for public perusal.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of this legislation. H.R. 5811, the Electronic Message Preservation Act, requires the preservation of certain electronic records by Federal agencies, requires a certification and reports relating to Presidential records, and requires that the information be readily retrieved through electronic searches.

E-mail, because of its nature, presents challenges to records management. First, the information contained in e-mail records is not uniform: it may concern any subject or function and document various types of transactions. As a result, in many cases, decisions on which e-mail messages are records must

be made individually. Second, the transmission data associated with an e-mail record—including information about the senders and receivers of messages, the date and time the message was sent, and any attachments to the messages—may be crucial to understanding the context of the record. Third, a given message may be part of an exchange of messages between two or more people within or outside an agency, or even of a string (sometimes branching) of many messages sent and received on a given topic. In such cases, agency staff need to decide which message or messages should be considered records and who is responsible for storing them in a recordkeeping system. Finally, the large number of federal e-mail users and high volume of e- mails increase the management challenge.

Preliminary results of GAO's ongoing review of e-mail records management at four agencies show that not all are meeting the challenges posed by e-mail records. Although the four agencies' e-mail records management policies addressed, with a few exceptions, the regulatory requirements, these requirements were not always met for the senior officials whose e-mail practices were reviewed. Each of the four agencies generally followed a print and file process to preserve e-mail records in paper-based recordkeeping capabilities. (Among other things, a recordkeeping system allows related records to be grouped into classifications according to their business purposes.) Unless they have recordkeeping capabilities, e-mail systems may not permit easy and timely retrieval of groupings of related records or individual records. Further, keeping large numbers of record and nonrecord messages in e-mail systems potentially increases the time and effort needed to search for information in response to a business need or an outside inquiry, such as a Freedom of Information Act request. Factors contributing to this practice where the lack of adequate staff support and the volume of e-mail received. In addition, agencies had not ensured that officials and their responsible staff received training in recordkeeping requirements for e-mail. If recordkeeping requirements are not followed, agencies cannot be assured that records, including information essential to protecting the rights of individuals and the Federal Government, are being adequately identified and preserved. H.R. 5811 ensures that these records will be kept properly. I support this legislation and urge my colleagues to do likewise.

□ 1700

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

Pursuant to House Resolution 1318, 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. DAVIS OF VIRGINIA

Mr. DAVIS of Virginia. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. DAVIS of Virginia. I am, in its current form.

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

The Clerk read as follows:

Mr. Tom Davis moves to recommit the bill H.R. 5811 to the Committee on Oversight and Government Reform with instructions to report the same back to the House forthwith, with the following amendment:

At the end of the bill, add the following new sections:

SEC. 4. PROCEDURES TO PREVENT UNAUTHORIZED REMOVAL OF CLASSIFIED RECORDS FROM NATIONAL ARCHIVES.

(a) IN GENERAL.—The Archivist of the United States shall prescribe internal procedures to prevent the unauthorized removal of classified records from the National Archives and Records Administration or the destruction or damage of such records, including when such records are accessed or searched electronically. The procedures shall include the following prohibitions:

(1) No person, other than personnel of the National Archives and Records Administration (in this section hereafter referred to as ''NARA personnel''), shall view classified records in any room that is not secure except in the presence of NARA personnel or under video surveillance.

(2) No person, other than NARA personnel, shall at any time be left alone with classified records, unless that person is under video surveillance.

(3) No person, other than NARA personnel, shall conduct any review of documents while in the possession of any cell phone or other personal communication device.

(4) All persons seeking access to classified records, as a precondition to such access, must consent to a search of their belongings upon conclusion of their records review.

(5) All notes and other writings prepared by persons during the course of a review of classified records shall be retained by the National Archives and Records Administration in a secure facility.

(b) DEFINITION OF RECORDS.—In this section, the term ''records'' has the meaning provided in section 3301 of title 44, United States Code.

SEC. 5. RESTRICTIONS ON ACCESS TO PRESIDENTIAL RECORDS.

Section 2204 of title 44, United States Code (relating to restrictions on access to presidential records) is amended by adding at the end the following new subsection:

''(f) The Archivist shall not make available any original presidential records to any individual claiming access to any presidential record as a designated representative under section 2205(3) if that individual has been convicted of a crime relating to the review, retention, removal, or destruction of records of the Archives.''.

Mr. DAVIS of Virginia (during the reading). Mr. Speaker, I ask unanimous consent that the reading of the motion be dispensed with.

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

Mr. WAXMAN. I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will continue reading.

The Clerk continued to read.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia is recognized for 5 minutes in support of the motion.

Mr. DAVIS of Virginia. Mr. Speaker, this motion to recommit would ensure that the integrity of the public record is preserved from people who abuse their positions and remove highly sensitive records from the National Archives.

Secure and accurate information is the lifeblood of effective government. There has been a wide range of incidents involving data loss, theft, privacy breaches. But more troubling is that some seek to tamper with or corrupt the official records of this Nation, to rewrite history, if you will.

Our goal here is to protect the integrity of the public record. Under this motion the Archivist of the United States shall prescribe internal procedures to prevent unauthorized removal of classified records from the National Archives and Records Administration or the destruction or damage of such records, including when such records are accessed or searched electronically.

First, we set forth a number of procedures to ensure these records remain secure. Second, we close a loophole in the Presidential Records Act that allows those previously convicted of unauthorized removal of classified materials back into the archives where they could do more damage. If a person has demonstrated propensity to commit crimes relating to the removal and destruction of classified Federal records, we should take the simple step of blocking their access in the future.

The professionals at the National Archives are serious-minded historians and are not well suited to the role of police officer or security guard. The motion states that the archives shall not make available any original Presidential records to any person convicted of a crime involving the review, retention, removal, or destruction of archives records. This prohibition extends to individuals with special designations by former Presidents. In short, if you're convicted of mishandling classified materials, we want to remove you from the pool of people coming to the archives. You're a risk, and we are obligated to mitigate risks of this type.

I would like to note that this second provision passed the House in identical form over a year ago as part of H.R. 1255, the Presidential Records Act, which still has not been enacted into law, by a vote of 333–93.

If we are serious about preserving and protecting the historical records of the Nation, we must vote in favor of this motion to recommit. I urge my colleagues to support it.

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

Mr. WAXMAN. Mr. Speaker, I wish to speak on the motion to recommit.

The SPEAKER pro tempore. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. WAXMAN. Mr. Speaker, I want to point out to everyone who is listening to this debate that fundamentally this bill is about accountability and preventing cover-up. On the Oversight Committee, we have seen firsthand how destruction of e-mails frustrates accountability and allows officials to hide wrongdoing.

We investigated Jack Abramoff's contacts with the White House. We saw

that Abramoff told his colleagues that he used the Republican National Committee e-mail accounts when he was dealing with White House officials so that his communications would remain secret. This bill shuts down that loophole. It says Jack Abramoff can't send secret e-mails to White House officials.

We tried to investigate the false intelligence that led to the war in Iraq, but this investigation did not have access to Karl Rove's e-mails because they were destroyed. This bill says that Karl Rove's e-mails have to be preserved and not destroyed.

We tried to investigate the Cheney Energy Task Force, which gave us the energy policy this Nation has followed under President Bush for the last 7½ years, which I believe has led to these incredible high prices for energy. But once again we needed access to the e-mails to understand what deals were cut with the special interests, including at that time Enron, which played a very active role on Vice President CHENEY's Energy Task Force.

A vote for this bill will make sure that the White House cannot hide its abuses. What we need is for this bill to pass so we can have honest and open and accountable government. That's why this legislation is before us today.

Of course, we don't know what the motion to recommit is until the very last minute; so we have to prepare for whatever may come. This is not a motion to recommit that would destroy the bill, and I appreciate that fact. It's a motion to recommit that, by and large, I think makes sense, and why it wasn't offered as an amendment leaves me perplexed. I do have some minor concerns about the motion to recommit, but that can be worked out in conference. This should have been brought up as an amendment to the bill. But, in effect, a motion to recommit is a motion to amend the bill. And since I do not oppose, in effect, the amendment that's being offered, I will join in support of this motion to recommit because this bill is too important. I know it was minimized a lot in the debate where people said why are we talking about e-mail preservation when we should be talking about drilling in Alaska and off the coast of the United States? Well, they are related because had we been able to have the Energy Task Force, chaired by CHENEY, Vice President CHENEY, we could have found out how we had this policy decided, and now that we're saddled with it, we could have done something about it 7½ years ago.

I will join in support of this motion to recommit, and I will urge my colleagues to vote for it so we can get the bill passed with this amendment that's being offered to it. I urge a vote for the motion.

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

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

There was no objection.

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

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

Mr. DAVIS of Virginia. 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 the bill, if ordered; motions to suspend the rules on H.R. 3329 and H.R. 6184.

The vote was taken by electronic device, and there were—yeas 419, nays 1, answered ''present'' 2, not voting 12, as follows:

[Roll No. 476]

YEAS—419

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
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
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
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.
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
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
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
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
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
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
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)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Dicks

ANSWERED ''PRESENT''—2

Jackson-Lee (TX)
Waters

NOT VOTING—12

Andrews
Boswell
Brown-Waite, Ginny
Fossella
Hulshof
Pickering
Pryce (OH)
Renzi
Richardson
Rush
Udall (CO)
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1739

Ms. ESHOO, Ms. KILPATRICK, Ms. WASSERMAN SCHULTZ, Mrs. NAPOLITANO and Messrs. COHEN, GUTIERREZ, SCOTT of Virginia, ROGERS of Alabama, GONZALEZ, AL GREEN of Texas and CARNAHAN changed their vote from ''nay'' to ''yea.''

Ms. JACKSON-LEE of Texas changed her vote from ''yea'' to ''present.''

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mrs. WILSON of New Mexico. Mr. Speaker, on rollcall No. 476, I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. CLAY. Mr. Speaker, pursuant to the instructions of the House on the motion to recommit, I report the bill, H.R. 5811, back to the House with an amendment.

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

The Clerk read as follows:

Amendment offered by Mr. CLAY:

At the end of the bill, add the following new sections:

SEC. 4. PROCEDURES TO PREVENT UNAUTHORIZED REMOVAL OF CLASSIFIED RECORDS FROM NATIONAL ARCHIVES.

(a) IN GENERAL.—The Archivist of the United States shall prescribe internal procedures to prevent the unauthorized removal of classified records from the National Archives and Records Administration or the destruction or damage of such records, including when such records are accessed or searched electronically. The procedures shall include the following prohibitions:

(1) No person, other than personnel of the National Archives and Records Administration (in this section hereafter referred to as ''NARA personnel''), shall view classified records in any room that is not secure except in the presence of NARA personnel or under video surveillance.

(2) No person, other than NARA personnel, shall at any time be left alone with classified records, unless that person is under video surveillance.

(3) No person, other than NARA personnel, shall conduct any review of documents while in the possession of any cell phone or other personal communication device.

(4) All persons seeking access to classified records, as a precondition to such access, must consent to a search of their belongings upon conclusion of their records review.

(5) All notes and other writings prepared by persons during the course of a review of classified records shall be retained by the National Archives and Records Administration in a secure facility.

(b) DEFINITION OF RECORDS.—In this section, the term ''records'' has the meaning provided in section 3301 of title 44, United States Code.

SEC. 5. RESTRICTIONS ON ACCESS TO PRESIDENTIAL RECORDS.

Section 2204 of title 44, United States Code (relating to restrictions on access to presidential records) is amended by adding at the end the following new subsection:

''(f) The Archivist shall not make available any original presidential records to any individual claiming access to any presidential record as a designated representative under section 2205(3) if that individual has been convicted of a crime relating to the review, retention, removal, or destruction of records of the Archives.''.

Mr. CLAY (during the reading). Mr. Speaker, I ask unanimous consent that the reading of the amendment be waived.

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

There was no objection.

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

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

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.

Mr. SALI. 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 286, nays 137, not voting 11, as follows:

[Roll No. 477]

YEAS—286

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Capito
Capps
Capuano
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Culberson
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
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Heller
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 (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
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
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
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
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Reyes
Rodriguez
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—137

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Hayes
Hensarling
Herger
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Poe
Price (GA)
Putnam
Radanovich
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Royce
Ryan (WI)
Sali
Scalise
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Thornberry
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)

NOT VOTING—11

Boswell
Brown-Waite, Ginny
Cardoza
Fossella
Hulshof
Pickering
Pryce (OH)
Renzi
Richardson
Rush
Udall (CO)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1751

Mrs. MYRICK, Messrs. LEWIS of California, McCOTTER, Mrs. BONO MACK, and Mr. CAMP of Michigan changed their vote from ''yea'' to ''nay.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

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

H.R. 6331. An act to amend titles XVIII and XIX of the Social Security Act to extend expiring provisions under the Medicare Program, to improve beneficiary access to preventive and mental health services, to enhance low-income benefit programs, and to maintain access to care in rural areas, including pharmacy access, and for other purposes.

HOMES FOR HEROES ACT OF 2008

The SPEAKER pro tempore (Mr. CHILDERS). The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3329, 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 Texas (Mr. AL GREEN) that the House suspend the rules and pass the bill, H.R. 3329, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 9, not voting 13, as follows:

[Roll No. 478]

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
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
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
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
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
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
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
Kennedy
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)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
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
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
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)
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
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
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
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—9

Campbell (CA)
Cannon
Duncan
Flake
Hensarling
Marchant
Paul
Sensenbrenner
Tancredo

NOT VOTING—13

Boswell
Brown-Waite, Ginny
Fossella
Hulshof
Linder
McHugh
Peterson (PA)
Pickering
Pryce (OH)
Renzi
Richardson
Rush
Udall (CO)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1759

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.

AMERICA'S BEAUTIFUL NATIONAL PARKS QUARTER DOLLAR COIN 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. 6184, 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 gentlewoman from New York (Mrs. MALONEY) that the House suspend the rules and pass the bill, H.R. 6184.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 15, as follows:

[Roll No. 479]

YEAS—419

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
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney

Cramer
Crenshaw
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 (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
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
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
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)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
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
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
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)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
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
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—15

Boswell
Brown-Waite, Ginny
Fossella
Hulshof
Johnson (GA)
Kennedy
Linder
Marchant
Miller, George
Neugebauer
Pickering
Pryce (OH)
Renzi
Rush
Udall (CO)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1806

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.

DTV TRANSITION ASSISTANCE ACT

Mr. HILL. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2607) to make a technical correction to section 3009 of the Deficit Reduction Act of 2005.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2607

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 ''DTV Transition Assistance Act''.

SEC. 2. DTV TRANSITION.

(a) IN GENERAL.—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 the DTV Transition Assistance 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) FISCAL YEARS TO WHICH APPLICABLE.—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''.

The SPEAKER pro tempore (Mr. CARSON of Indiana). Pursuant to the rule, the gentleman from Indiana (Mr. HILL) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

GENERAL LEAVE

Mr. HILL. 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 the legislation under consideration.

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

There was no objection.

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

I rise today in support of S. 2607, the Digital Television Transition Assistance Act. We have little more than 7 months until February 17, 2009, the date of the digital television transition when all full-power television stations in the country will stop broadcasting analog signals and broadcast only digital signals.

The Subcommittee on Telecommunications and the Internet, of which I am a member, has been working hard to prepare consumers for this event. However, not all television stations will immediately start broadcasting in digital on that day of transition. There are many stations that broadcast at low-power levels or that rely upon translators and boosters to reach viewers, and many of these stations will be transitioning to digital some time after February 17. Many of these stations serve viewers in districts like mine that are largely rural.

When Congress passed the Digital Television Transition and Public Safety Act in 2005, it recognized that many of these smaller, rural stations lacked the resources necessary to immediately switch to digital. Therefore, the statute established two grant programs designed to aid these stations.

One grant program provides funds so that low power and translator stations may purchase the equipment needed to facilitate continued service for viewers of low-power stations and translators on analog television sets.

The other grant program provides funds for low-power stations to upgrade

their facilities to digital. The provision establishing the grant program for low-power stations to upgrade their facilities to digital included a technical error that S. 2607 will correct. Current law prohibits grant funds from being awarded to stations after October 1, 2010, more than a year after full-power stations are broadcasting only in digital.

S. 2607 changes that date to February 18, 2009, one day after the transition begins. This technical correction will ensure that low-power stations can begin to transition to digital as quickly as possible. S. 2607 would also ensure that the funds Congress set aside for the translator grant programs are used to further the DTV transition.

This program allocated $10 million for qualified low power and translator stations to buy digital-to-analog conversion equipment so they can continue to offer analog signals after February 17.

However, it is estimated that at least $3 million of these funds will be unspent because not all stations are expected to take advantage of the program. Therefore, S. 2607 would permit the National Telecommunications and Information Administration to use the excess moneys to further consumer education efforts concerning DTV transition and the TV Converter Box Coupon Program.

S. 2607 would permit the NTIA to use extra funds from the $10 million grant program to create a program that addresses the educational and technical assistance needs of vulnerable populations such as senior citizens, residents of rural and remote areas, and minorities.

This is a simple bill that would make commonsense changes designed to speed the transition to digital television in all areas of the country and ensure that consumers are informed about the transition.

I urge Members to join me in supporting S. 2607.

I reserve the balance of my time.

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

My colleagues, I rise in support of the DTV Transition Assistance Act, the Senate bill, S. 2607, and urge its immediate passage.

By setting February 17, 2009 as the date for full-power broadcasters to transmit exclusively in digital format, the DTV legislation gave industry the needed incentives to prepare for this transition.

The result, 91 percent of broadcasters are transmitting in digital; 68 percent are already on their post-transition channel and 68 percent are already broadcasting at full strength.

□ 1815

As of April 30, 2008, 78 percent of households had all their televisions prepared for the transition, and 91 percent of households had one or more televisions that were prepared for this transition. This means that with more than 9 months still to go, about 10 percent of households were relying exclusively on analog over-the-air broadcasts and needed to take action to receive programming after the transition.

Because low-power translator stations are not required to transition to digital television, our original DTV legislation created a $10 million grant program at the National Telecommunications and Information Administration, NTIA, to help translators convert digital broadcast signals back to analog.

As it turns out, not many requests for money from the conversion fund have really been made. Moreover, even if every translator participated in the program, it looks like we will still have money left over. Therefore, this bill allows some of the $10 million to be used for DTV consumer education, but only if the NTIA determines that not all the money will be needed for the converter box program.

The original DTV legislation also created a second grant program making $65 million available to help low-power stations voluntarily upgrade to digital broadcasting. At the time, it was believed that low-power stations would not upgrade until after full-power stations transitioned in 2009. Consequently, money from the $65 million upgrade fund was not to become available until 2010. It now appears low-power stations intend to upgrade sooner, so this bill makes the upgrade funds available in 2009 instead of 2010.

In conclusion, Mr. Speaker, this is a commonsense bill that will give the NTIA additional flexibility to help ensure that the DTV transition goes as smoothly as possible. I strongly support this legislation, and I urge my colleagues to also support it.

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

Mr. HILL. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Virginia (Mr. BOUCHER).

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

Mr. BOUCHER. I rise, Mr. Speaker, in support of this measure which will ease the transition next February to exclusively digital over-the-air television broadcasting. The bill makes funds available in a timely manner for low-power television transmitters to make the transition to digital, and it makes approximately $7 million available for public education, technical assistance, and the converter box program. While this new support is welcome, I'm deeply concerned that a truly smooth transition will require that this Congress do much more.

The total funding for the public education component of our program remains miniscule. While polls show that more than one half of the population has heard about the digital TV transition, most who know about it are confused about how it will apply to them and what they may need to do in order to prepare themselves effectively for it.

The need for technical assistance installing converter boxes and analyzing reception problems that may be experienced in the home will be vast. This bill makes little provision to meet that need which will be acute among our elderly population and in rural and low-income areas of the Nation.

In the United Kingdom, which has carried out their transition in some regions of the nation, as many as 10 percent of the external antennas and rabbit ears had to be replaced in order to receive a digital signal. Our experience with antennas will be no different, and we still have no public funding in order to meet that need.

The antenna replacement problem will be magnified by the lack of technical assistance. Viewers who correctly install their converter box may still not receive a digital signal, and without technical help will have great difficulty determining that the problem is an antenna that could receive an analog signal but is too far away from the transmitter to receive digital service. That viewer will lose TV reception on February 17. When he later finds that the antenna has to be replaced, he will have to shoulder that replacement cost on his own.

This Congress should do more to assure a smooth transition. If we don't, I fear that millions of Americans will lose the vital lifeline that television service represents next February.

We might want to consider instituting a program similar to the help scheme that has been employed in the United Kingdom. For a payment of the American equivalent of $40, TV households receive on-site technical support and, if necessary, hardware, including antenna replacement. Such a program in the United States would ensure a successful transition and would prevent the vital lifeline that television represents from being lost by millions of Americans who I otherwise fear will lose that service next February.

I thank the gentleman from Indiana for yielding.

Mr. STEARNS. Mr. Speaker, I heard my good colleague from Virginia talk about some suggestions, and his suggestion is that we adopt something that Britain has adopted. But I'm not sure it's necessary because we're having a demonstration project of the digital transition in North Carolina. And I think with that sort of demonstration, I think after that, if we see problems, then probably that's the best time to adjust.

Mr. BOUCHER. Will the gentleman yield?

Mr. STEARNS. I would be glad to yield.

Mr. BOUCHER. I thank the gentleman for yielding, and I share his belief that the demonstration project that we are going to have in Wilmington, North Carolina, sometime later this year will yield valuable information. My concern is that whatever information we receive from that demonstration, should it indicate that

additional steps need to be taken for technical assistance, for public education, for the replacement of either rabbit ears or external antennas, will not be information that is very useful to us in the absence of funding in order to carry out whatever steps that information suggests should be appropriate.

So my recommendation today is that we begin to have a conversation about how we could use information collected from the Wilmington experience, how we could use information that we can gain very usefully from the larger experience they've already had in the United Kingdom and put that information to work to make sure that our transition is as smooth here in the United States as it has been in the U.K.

Mr. STEARNS. I would note that certainly his points are well taken, but I think after the Wilmington, North Carolina, demonstration, if it does not work, there is perhaps a possibility of another demonstration. But certainly most of the kinks should be worked out after that first demonstration, and I look forward to taking a very careful look at it.

I reserve the balance of my time.

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

Mr. ENGEL. I thank the gentleman, and I rise in support of S. 2607, the DTV Transition Assistance Act.

I agree with everything that all my colleagues have said, and I certainly agree with Mr. BOUCHER that we really need to help facilitate the digital transition, which is what this bill does. This has been a long time coming, and we're now coming down to the wire. We have only 223 days until analog TV signals will go dark.

In the Energy and Commerce Committee several years ago, I joked and said when people turn on their TV sets on February 17, 2009 and their TV goes dark, many of our political futures will go dark if we don't have a good transition along the way. Since we began this process several years ago, I have been saying repeatedly that we need to make this transition work. That's why I introduced legislation, the National Digital Television Consumer Education Act. My legislation would help to educate consumers about the effects of the digital transition and what they need to do to prepare for it.

So I do agree with Mr. BOUCHER that we're ill-prepared. Even if people know that it's coming, we also have to make sure that they know how to set up their TV for digital broadcasts.

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

Mr. HILL. I yield the gentleman an additional minute.

Mr. ENGEL. People need to know how to set up their television for digital broadcasts. They need instructions on how to get the coupons that the government is providing to enable them to get these converter boxes, they need to know where to purchase the converter boxes, how to set them up, and many people need these instructions in languages other than English.

These are very, very huge challenges, and we are not spending nearly enough money to rise to the occasion. This bill is a good bill, but we need other legislation as well to help facilitate the digital transition.

In February, every American must be able to turn on their television and watch a crisp digital broadcast. I urge all of my colleagues to support this bill and other bills we will be providing to ease the digital transition.

Mr. STEARNS. Mr. Speaker, I have no additional speakers, but I will reserve the balance of my time just until I understand whether my colleague has additional speakers.

Mr. HILL. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. I would like to thank the gentleman from Indiana for recognizing me, and I also want to declare my strong support for S. 2607, the DTV Transition Assistance Act, which will help improve our country's transition to digital television, or DTV, as it is known.

This bill ensures that the funds already set aside for the DTV transition are being used more effectively. With leftover funds from a low-power TV grant program, this bill enables the National Telecommunications and Information Administration to allocate an additional $5 to $7 million this year for consumer education in underserved communities, such as seniors, minorities, and in rural areas.

All of the underserved populations, especially Spanish-speaking households, are at the greatest risk of being left out of the DTV transition. According to recent testimony from the NTIA, 40 percent of the calls coming into the converter box coupon call center are from Spanish speakers. There is a demonstrated need for additional education in Spanish-speaking households about DTV, and this additional funding will also help smooth the DTV transition for all Americans.

I also want to urge my colleagues to address the DTV transition issues along the U.S.-Mexican border. While the funding for the bill will help, we need a targeted outreach effort along the border because of access to both analog and digital TV signals from Mexico and the U.S. after the U.S. DTV transition.

I have personally introduced H.R. 5435, the DTV Border Fix Act, and urge my colleagues to please consider cosponsoring this piece of legislation. It will help facilitate those emergency responses so that people on both sides of the border can hear what's happening, but particularly on our side of the border.

I urge the Members today and colleagues to support this bill before us but also to think more importantly about what the next steps are and how to help those underserved communities who don't speak English.

□ 1830

Mr. HILL. Mr. Speaker, I'm pleased to yield 3 minutes to the gentlelady from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. I thank the gentleman so much for giving me the time to speak on this important bill.

The digital television transition is now 223 days away and many of our constituents are simply not prepared. I'm especially concerned about our most vulnerable population, our seniors. Eight million older Americans are in risk of losing their television reception on February 17, 2009.

I've been pleased to work with a number of groups that work directly with seniors, including the National Association of Area Agencies on Aging, the AARP, and the National Council on Aging, to ensure that older Americans are not left in the dark.

In May, Representative G.K. BUTTERFIELD joined me and 21 of our colleagues in sending a letter to the National Telecommunications and Information Administration regarding this imminent problem, and I'm pleased that the bill before us today would take some of the necessary steps to ensuring that seniors are prepared.

Seniors could suffer real consequences if their TVs do not operate past February 17, 2009, including isolation from society, anxiety, or mental and physical decline. Imagine your parents or grandparents going to turn on the television on February 18 and finding nothing on the screen.

Also, we have to remember that there are hundreds and thousands of homebound seniors who are unable to go and buy a converter box. Many seniors face considerable physical challenges associated with the transition, and without people to help come in their homes and install these boxes, they're just going to be out of luck. And those seniors that have gotten the converter box may face real technological barriers. Most people have problems setting the clock on their VCRs. I have zeros blinking myself occasionally. Think about the challenge of looking at a converter box and trying to figure out what to do next.

That's why I rise in support of this bill. This legislation will free up funds not being used by the NTIA in the distribution of coupons so they can be used for consumer education and technical assistance.

It further directs NTIA to partner with, provide grants to, and contract with nonprofit organizations and public interest groups to provide for educational and technical assistance to seniors, rural residents, and others who may face difficulties with the digital transition.

Despite these efforts, there are sure to be people who we don't reach and who wake up on February 18 with no signal. I look forward to working with my colleagues to establish any future

funding needed to ensure that these individuals receive needed assistance.

Again, we're 223 days away from the digital television transition. I urge all of my colleagues to work to ensure that our constituents are aware of and prepared for the coming transition.

I want to thank the leadership for bringing this crucial bill to the floor quickly.

Mr. HILL. Mr. Speaker, we have no further speakers if the gentleman from Florida, my good friend, would like to close.

Mr. STEARNS. Mr. Speaker I would support the bill and urge its passage.

I yield back my time.

Mr. HILL. Mr. Speaker, in closing, I'd like to reiterate that this bill fixes two technical errors in order to bring great benefits to our constituents through their digital television transition.

I urge my colleagues to support this bill.

Mr. DINGELL. Mr. Speaker, I rise in support of S. 2607, the "DTV Transition Assistance Act". This measure will help facilitate the transition to digital television (DTV), a technology which holds great promise for this country. It will allow for more broadcast programming with better sound and picture quality. It will provide new opportunities for wireless technologies on analog spectrum being vacated by broadcasters. And most importantly, some of this vacated analog spectrum will be used to create a nationwide, interoperable broadband network for first responders.

With the February 17, 2009, DTV transition date slightly more than 7 months away, however, we must ensure that all Americans are prepared for it. S. 2607 takes a step in the right direction by solving some outstanding problems relating to the transition in a thoughtful manner.

Not all television stations will make the transition to digital broadcasting on February 17th. Low-power and translator stations, many of which serve rural, minority, and other underserved communities, do not have a set date by which they must switch to digital. The "Digital Television Transition and Public Safety Act of 2005" established a grant program to help often financially constrained low-power television stations acquire the equipment needed to make the transition to digital. S. 2607 makes those funds available beginning in fiscal year (FY) 2009, rather than in FY 2011, as provided by current law. It also extends the availability of funding through FY 2012. These changes will help facilitate the DTV transition for low-power stations so they can offer consumers th benefits of digital broadcasting.

The 2005 Act also established a $10 million program to help translator stations continue providing an analog broadcast signal after February 17, 2009. Such stations are eligible for grants of up to $1,000 toward the purchase of digital-to-analog conversion equipment. That grant program is currently undersubscribed and includes more than enough money to accommodate every translator station. Accordingly, S. 2607 gives the Assistant Secretary of Communications and Information the flexibility to reallocate unspent money from the program to DTV consumer education.

Consumer education is the key to a successful DTV transition, and its importance cannot be overemphasized. Television is the predominant medium through which Americans receive critical public safety information and is one of the chief conduits for news and political discourse, as well as entertainment. Therefore, the most critical aspect of the DTV transition is ensuring that consumers are prepared for it. Congress mandated the DTV transition, and it is its responsibility to protect our constituents by ensuring the transition proceeds as smoothly as possible.

I am pleased to see the House consider this measure, which will contribute to a more successful transition. I strongly support S. 2607 and urge my colleagues to do the same.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. HILL) that the House suspend the rules and pass the Senate bill, S. 2607.

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.

SUPPORTING THE GOALS AND IDEALS OF "NATIONAL INTERNET SAFETY MONTH"

Mr. HILL. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1260) supporting the goals and ideals of "National Internet Safety Month".

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1260

Whereas, during the 110th Congress, the House of Representatives has passed several bills aimed at protecting children online and promoting Internet safety education;

Whereas, on June 12, 2007, the House of Representatives passed H. Res. 455 recognizing "National Internet Safety Month";

Whereas, on May 22, 2008, the Senate passed S. Res. 567 designating June 2008 as "National Internet Safety Month";

Whereas the Federal Trade Commission, in coordination with several other Federal agencies, maintains OnGuard Online, a Web-based resource to educate all Americans on Internet safety;

Whereas law enforcement, educators, community leaders, nonprofit organizations, and Internet service providers have sought to raise awareness for Internet safety across the United States;

Whereas America's youth will need to master the Internet to stay competitive in a global information economy;

Whereas there are more than 1,000,000,000 Internet users worldwide;

Whereas, in the United States, more than 35,000,000 children in kindergarten through grade 12 have Internet access;

Whereas 93 percent of children between 12 and 17 years old use the Internet;

Whereas more than half of all of online children between 12 and 17 years old use an online social networking site;

Whereas 43 percent of teens between 13 and 17 have experienced cyberbullying within the past year;

Whereas approximately 24 percent of students in grades 5 through 12 have hidden their online activities from their parents;

Whereas 61 percent of the students admit to using the Internet unsafely or inappropriately;

Whereas 68 percent of parents have household rules about what type of Internet sites their child can or cannot visit;

Whereas 56 percent of parents feel that online bullying of children is an issue that needs to be addressed;

Whereas 65 percent of parents report that after their child has been on the Internet, they check to see what Web sites he or she viewed;

Whereas 47 percent of parents feel that their ability to monitor and shelter their children from inappropriate material on the Internet is limited; and

Whereas 61 percent of parents want to be more personally involved with Internet safety: Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) supports the goals and ideals of "National Internet Safety Month";

(2) recognizes that "National Internet Safety Month" provides the citizens of the United States with an opportunity to learn more about the importance of being safe and responsible online;

(3) commends and recognizes national and community organizations for—

(A) promoting the safe use of the Internet; and

(B) providing information and training that develops critical thinking and decision making skills that are needed to use the Internet safely; and

(4) calls on parents, educators, Internet safety organizations, law enforcement, community leaders, Internet service providers, and volunteers to increase their efforts to raise the level of awareness for the need for online safety in the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. HILL) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. HILL. Mr. Speaker, I rise in support of House Resolution 1260, a resolution that expresses support for the goals and ideals of National Internet Safety Month.

During the past decade, the Internet has become an integral part of our lives. Members of our armed services stationed abroad use the Internet to stay in contact with their families.

Telemedicine relies on the Internet to bring cutting-edge medical care to rural residents in their communities, reducing health care costs without sacrificing the high quality of service that everyone deserves.

Through the Internet, our students have access to the world's informational and educational resources. Distance learning levels the playing field so that all students have the opportunity to learn.

The Internet has also had a profound impact on the way that we do business. Through the Internet, the entire world has become a market for American goods and services.

Our children have never known a world without the Internet. They have incorporated the advantages of the Internet into their everyday lives, to communicate with their friends, to do research for school assignments, and to entertain themselves.

The Internet offers great promise to the next generation. In order to achieve those promises, we must give our children the tools they need to safely navigate the Internet.

Just as the Internet has offered many good people the opportunity to better themselves, it has also created a pathway for dangerous activities. This is most troubling when the potential victims are our children.

Internet Safety Month reminds us all that there are ways to use the Internet wisely and responsibly.

The Federal Trade Commission has created ''OnGuard Online,'' a resource for both parents and children to take advantage of all of the opportunities of the Internet in a safe and responsible manner.

Congress provided for the establishment of a kids.us domain to provide a safe online environment for children and help prevent them from being exposed to harmful material on the Internet.

Educational, industry, and community-based organizations have also created resources to help families use the Internet safely. If we educate our children, we give them the tools they need to navigate the Internet safely.

I strongly urge my colleagues to join me in supporting the goals and ideals of National Internet Safety Month.

I reserve the balance of my time.

Mr. STEARNS. Mr. Speaker, I rise also in strong support of H. Res. 1260, supporting the goals and ideals of National Internet Safety Month. This legislation is very important, and of course, it's quite timely. I urge my colleagues obviously to support it.

The Internet, as we all know, has revolutionized communications, business, and entertainment. Much of its success is due to the largely unregulated status that we have given it. Industry has done a tremendous job of deploying it, including to children, who increasingly rely on it to learn and to create things.

In the United States, more than 35 million children in kindergarten through grade 12 have Internet access, and 93 percent of children between 12 and 17 years old use the Internet. But just like any other technology, it is sometimes used by bad people to do bad things.

Recent studies show that sexual predators, cyber bullies, cyber stalkers, and identity thieves represent very real online dangers for children of all ages. According to the Crimes Against Children Research Center, 22 percent of people targeted by online predators were children with ages between 10 and 13. The National Center for Missing and Exploited Children reports 25 percent of children say they've received unwanted sexual material while simply surfing the Internet. The Identity Theft Resource Center reports that children are the newest target for identity theft, since they can be easily persuaded to divulge personal information, and the crime is unlikely to be discovered until the victim is much older. As these numbers demonstrate, Internet safety should be of paramount concern to all of us.

Furthermore, these statistics highlight why online safety education is so very important. By arming parents and children with the information, we can go a long way to avoiding some of the pitfalls out there on the Internet and obviously maximize its benefits.

That's why I support National Internet Safety Month and this resolution, and I urge its support.

I reserve the balance of my time.

GENERAL LEAVE

Mr. HILL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Mr. HILL. Mr. Speaker, the creator of this piece of legislation is our next speaker. She has worked tirelessly and skillfully in bringing this issue to the floor of the House of Representatives, and at this time, I yield such time as she may consume to the gentlelady from Illinois (Ms. BEAN).

Ms. BEAN. Mr. Speaker, I thank the gentleman from Indiana for yielding and for his work to promote Internet safety.

I rise today in strong support of H. Res. 1260, which supports the goals and ideals of National Internet Safety Month, and I echo the sentiments shared by my colleagues here tonight. Consideration of this resolution today follows House passage of a similar resolution last year recognizing June as National Internet Safety Month. Although we are considering today's resolution just following the close of the month, I believe it is important to recognize June 2008 as National Internet Safety Month and use this opportunity to continue to raise awareness for Internet safety.

H. Res. 1260 recognizes the important work many Internet safety organizations, Internet service providers, all levels of government, schools, parents, and concerned citizens do regularly to protect children online and promote Internet safety education.

The resolution calls on all concerned citizens to increase their efforts to raise the level of awareness for the need for online safety in the United States.

I want to commend the Internet safety organizations, Internet service providers, FTC, and other individuals who joined me this June in launching the National Partnership for Safe Computing. I am proud to join Congressman FRANK WOLF as a co-chair of this partnership, which will work with Members of Congress to provide resources and experts for Internet safety forums in their districts.

Over 35 million students have access to the Internet and use it every day to expand their knowledge beyond what they can learn in textbooks and in the classroom.

But while the Internet has increased their productivity and opened new opportunities to our children, it has also created new threats. These threats, whether it be unwanted online solicitations, Internet scams, or cyber bullying, are troubling and real.

In order for our children to use the Internet safely, we must work together to raise awareness, and as noted in today's resolution, 93 percent of children between 12 and 17 years old use the Internet regularly. Half of them use an online social networking site. Forty-three percent of teens between 13 and 17 have experienced cyber bullying within the past year. And 61 percent of students admit to using the Internet unsafely or inappropriately.

Fortunately, our schools and nonprofits, local, State and Federal governments, and concerned corporate citizens have been actively engaging children regarding Internet safety. Programs vary, but they all emphasize the importance of protecting personal information, keeping parents informed of Internet actions, and being careful who kids are talking to when they're online.

Over the last few years, parents have been getting more involved in their children's actions online, but there's room for improvement. As noted in today's resolution, 68 percent of parents have household rules about what type of Internet sites their children can or cannot visit, and 65 percent of parents review the Web sites their children have visited while on the Internet.

But parents need to stay engaged and ask their children what they're doing online. As a parent, you wouldn't let your son or daughter play with a friend without knowing who was in charge and where they would be playing. The same should be the case with the Internet. It is a large virtual playground, and just like the stranger danger at the neighborhood park, kids need to be supervised.

While raising awareness is important, I am very proud that since June 2007, when we recognized National Internet Safety Month last, the House has passed several pieces of legislation as part of an Internet safety initiative. They included the SAFER NET Act, which I introduced, which would authorize national public awareness campaigns and create a virtual clearinghouse of all necessary Internet safety information at the FTC.

□ 1845

We also passed the PROTECT Act, which I introduced with Congresswoman DEBBIE WASSERMAN SCHULTZ, which would build a strong nationwide network of highly trained law enforcement experts to track down the digital footprints of known sex offenders.

The KIDS Act was also passed, which was introduced by Congressman EARL POMEROY, which I was proud to cosponsor, and would require sex offenders to

register their e-mail and instant message addresses with the National Sex Offender Registry so Internet service providers could prohibit their access to Web sites used by children. They already have to register their physical addresses if they move into your community. They should also have to register their Internet addresses as well. These bills and the others the House has passed will assist parents and teachers in keeping our kids safe online.

In closing, I urge my colleagues to support H. Res. 1260 and encourage them to use the recent observance of National Internet Safety Month as an opportunity to support the efforts of our local, State and Federal Government, our local and national nonprofit organizations, and other concerned citizens in promoting Internet safety.

Mr. STEARNS. Mr. Speaker, I yield back the balance of my time and urge my colleagues to support this very good legislation.

Mr. HILL. Mr. Speaker, a designated National Internet Safety Month would provide parents, educators, and communities with an opportunity to further coordinate efforts to protect our children on the Internet. I urge my colleagues to support this bill.

Mr. POMEROY. Mr. Speaker, I rise today in support of House Resolution 1260, a bill that recognizes June 2008 as National Internet Safety Month, and supports helping all citizens, especially our children, to learn more about being safe and responsible online.

The Internet is truly transformational technology that over 21 million teens—87 percent of kids across the Nation—take advantage of everyday. While this technology has presented our children with unprecedented opportunities, it has also presented our kids with new dangers.

Just as we tell our kids not to talk to strangers when we send them off to school, the digital age now requires us to give our children the same warning when they log on to the Internet. Parents, educators, Internet safety organizations, and law enforcement have taken extraordinary measures to proactively help our children avoid the dangers that exist on the Internet, and we must continue to increase our efforts to raise the level of awareness for the need for online safety.

I have long been a strong supporter of internet safety efforts, and I believe that Congress must continuously update our laws to keep our children safe from sexual predators who would exploit our children with this technology. I strongly urge you to support House Resolution 1260 to make sure that all citizens know about the importance of online safety.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Res. 1260 supporting the goals and ideals of "National Internet Safety Month". I would first like to thank my distinguished colleague, Representative MELISSA BEAN of Illinois, for introducing this important legislation. The bill reaffirms our commitment to the safety of our children when they use the internet and the importance of providing information and training to develop skills to use the internet safely.

We all know what an amazing tool the internet is. We can do everything from taking classes to reconnecting with old friends online. But despite this, the internet has many flaws.

In America, 93 percent of children ages 12 to 17 use the internet, but how wisely do they use it? Studies have shown that approximately 24 percent of students in grades 5 through 12 have hidden their online activities from their parents and 61 percent of them admit to using the internet unsafely or inappropriately. Even when they aren't looking at inappropriate material, children are picking on one another. 43 percent of teens ages 13 to 17 have experienced cyber bullying within the past year. This must stop.

It saddens me that a wonderful resource like the internet can be used in such a damaging way. Cyber bullying is a serious epidemic that must be addressed by all levels of government. Unlike regular bullying, where there is often physical damage, cyber bullies leave their victims with lasting emotional trauma. With the high level of connectivity our children now have, it is nearly impossible for them to escape these new bullies. We owe our children more.

It is up to us to teach our children the difference between right and wrong in life and this principle should not be ignored when dealing with the internet. In passing this resolution, we are telling parents that the children need guidance and that it is their responsibility to provide that guidance.

And we can help the parents in their task. 61 percent of parents want to be more involved in the internet safety of their children. It is simply a matter of giving them the tools they need to get involved. When we pass this legislation, we help parents, educators, Internet service providers, and volunteers to increase their efforts to raise the level of awareness for the need for online safety in the United States.

The Houston public libraries have recently adopted a budget that would allow them to provide all their branches full internet access. In doing so, however, they added a limitation: the computers in the children's section would have filters to prevent them from accessing inappropriate material. This is an example the rest of the nation needs to follow. We can all take simple actions like installing filters and monitoring internet use to make our children safer.

I urge my colleagues to pass this resolution and establish our support of internet safety. Tell communities around the nation we need to follow the example of Houston's public libraries and consider the children when designing policies. Tell communities that progress needs to be made.

Mr. HILL. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. HILL) that the House suspend the rules and agree to the resolution, H. Res. 1260.

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.

SENSE OF HOUSE REGARDING PROSTATE CANCER DETECTION AND TREATMENT

Mr. HILL. Mr. Speaker, I ask unanimous consent that House Resolution 353, which was adopted by the House on June 26, 2008, be considered to have been adopted with the corrected text that I have placed at the desk, and that the resolution be re-engrossed in that corrected form.

The SPEAKER pro tempore. The Clerk will report the corrected form.

The Clerk read as follows:

Resolved, That it is the sense of the House of Representatives that there should be increased support for research and development of advanced imaging technologies for prostate cancer detection and treatment.

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

There was no objection.

KENNETH JAMES GRAY POST OFFICE BUILDING

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6061) to designate the facility of the United States Postal Service located at 219 East Main Street in West Frankfort, Illinois, as the "Kenneth James Gray Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6061

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

SECTION 1. KENNETH JAMES GRAY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 219 East Main Street in West Frankfort, Illinois, shall be known and designated as the "Kenneth James Gray Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Kenneth James Gray Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he might consume to my colleague from the State of Illinois and the author of this legislation, Representative COSTELLO.

Mr. COSTELLO. I thank my friend from Illinois, Chairman DAVIS.

Mr. Speaker, I rise today in support of H.R. 6061, legislation designating a post office building in West Frankfort, Illinois, as the "Kenneth James Gray Post Office Building."

I would like to thank Chairman WAXMAN and Chairman DAVIS for working

with me on this legislation and for bringing the legislation to the floor today.

Congressman Gray was born and raised in West Frankfort, Illinois. He was first elected to the House of Representatives in 1954, serving through 1974. In 1984, Ken ran again and was elected to the House and served two more terms.

When I was elected to the House of Representatives in 1988, Kenny Gray was very helpful to me. We worked together and fought to improve housing, education, and to bring jobs to southern Illinois. We, of course, continue that fight today with my colleagues in the Illinois delegation.

Prior to his tenure in Congress, Congressman Gray earned three Bronze Stars for his service in World War II. He also owned a car dealership and operated an air service in Benton, Illinois.

After retiring in 1988, Ken remained active in community affairs, serving on several boards and heading up many local projects to further economic growth in our region. Naming this post office after Kenny Gray will serve as a lasting reminder of his accomplishments in Southern Illinois.

Mr. Speaker, I urge my colleagues to join me in honoring our former colleague and friend by supporting this legislation.

Ms. FOXX. Mr. Speaker, I yield as much time as he may consume to my distinguished colleague from the State of Illinois (Mr. SHIMKUS).

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

Mr. SHIMKUS. I thank my colleague from North Carolina for the time.

I want to commend my colleague, Congressman COSTELLO, for bringing this forward, and of course my colleague from Chicago, Chairman DAVIS, for helping get this bill on the floor.

In Southern Illinois everyone knows Ken Gray. In this environment it's always hard to figure out with past Congresses, but he is admired and adored and lovingly called the ''Prince of Pork'' for a couple of reasons, probably a lot more than I even know since I'm a youngster to this institution, but for helping President Eisenhower pass the Federal highway transportation bill, which brought the interstate highway system, and then lobbying diligently to make sure that those routes came through Southern Illinois.

And although Southern Illinois continues to struggle along the interstate routes that are part of my district and part of Congressman COSTELLO's district where there are jobs and economic activity, they are around the hubs of the interstate highway system. So he does get great credit for that. Also, a major lake, Rend Lake, is there that provides water for much of the communities of Southern Illinois. And that was all part of his due diligence and his activity.

I also like the story, being a veteran, of Ken Gray lying about his age, going into the war, and then serving honorably in World War II and being awarded three Bronze Stars for his service.

He is quite the character. People who know him and have served with him can tell you some quite colorful stories. He has welcomed me in the institution as a colleague. I look to him for advice and counsel when I get into the deep part of Southern Illinois.

I think this is a fitting tribute. I thank my colleague, Congressman COSTELLO, for bringing it forward. I implore and ask my colleagues to support the naming of this post office.

Mr. DAVIS of Illinois. Mr. Speaker, I would reserve the balance of my time.

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

Congressman Kenneth J. Gray, formerly an esteemed Member of the U.S. House of Representatives, has been a life long son of Illinois. Born in West Frankfort on November 14, 1924, Congressman Gray was a graduate of West Frankfort Community High School and owner of Gray Motors in West Frankfort. He served in the Second World War for two years until discharged in 1945 as a first sergeant and three bronze star recipient for his service.

After returning from the war, Congressman Gray became active in his community and was one of the founders of the Walking Dog Foundation for the Blind and an active leader in the American Legion.

In the same district where Mr. Gray served as the Commander of the American Legion, he was encouraged to run against the incumbent Congressman as many thought that the issues affecting the veterans of southern Illinois were being overlooked.

While running for Congress for the first time in 1954, his campaign slogan was "a fighting man for a fighting job," which he lived up to during the 11 Congressional terms he served the citizens of the 25th District of Illinois. He ran on the platform of change for the people in his District. Southern Illinois was suffering a period of high unemployment at the time Mr. Gray was running for Congress. After his election, he set about meeting the challenges of getting the 30,000 unemployed people back to work.

He was placed on the Public Works Committee at the beginning of his first term, where he was able to shed light on the plight of his constituents and worked to get projects directed to his District. Congressman Gray became known throughout his career as a man who, in his words, wouldn't roll down his sleeves until the job was done. To this day, he has not rolled down his sleeves and continues to get things done. You can see his footprints on such things as hospitals, schools, and federal buildings.

Because of Congressman Gray's many accomplishments on behalf of the citizens of Southern Illinois as well as the entire country, it is very fitting that we would designate the naming of the West Frankfort Post Office after Congressman Gray. We wish Congressman Gray well during his illness and thank him for his life-long service to the United States.

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

Mr. DAVIS of Illinois. Mr. Speaker, obviously I rise in strong support of H.R. 6061, which designates the East Main Street post office facility in West Frankfort, Illinois, after one of our former colleagues and Member of Congress, Representative Kenneth James Gray.

Representative COSTELLO sponsored this measure to show appreciation and gratitude for the service former Representative Gray exhibited toward his constituents and the country.

H.R. 6061 would dedicate the post office located in Representative Gray's former congressional district. I am pleased to join with Representatives COSTELLO and SHIMKUS and other members of the delegation in urging passage of this legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 6061.

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

A motion to reconsider was laid on the table.

HONORING SERGEANT FIRST CLASS ANTHONY LYNN WOODHAM

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

Mr. BOOZMAN. Mr. Speaker, I rise today to honor a brave American soldier who sacrificed his life for freedom, SFC Anthony Lynn Woodham from Rogers, Arkansas.

A mechanic assigned to the Arkansas National Guard Delta Company, 39th Brigade Support Battalion, 39th Brigade Combat Team of Heber Springs, Anthony put himself in harm's way to make this world a better place.

His commitment to this country is second to none. Anthony considered his service an honor, first enlisting in 1989, and re-enlisting after he returned from his deployment in 2005. He died Saturday, 6 months shy of 20 years in the military. He will be remembered as a soldier, a son, a husband and a father who cared about everyone around him. His wife Crystal describes Anthony as a loving husband and great father.

Mr. Speaker, Anthony is a true American hero. I ask that my colleagues keep his family and friends in their thoughts and prayers during this very difficult time.

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 KILLER OF BORDER AGENT LUIS AGUILAR IS RELEASED

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, in January, Border Patrol Agent Luis Aguilar was tracking drug smugglers on the Mexican-U.S. border. A Hummer apparently carrying drugs crossed into the United States and tried to flee back to Mexico when Aguilar and other Border Patrol agents gave pursuit. Aguilar got in front of the Hummer at some distance and he put spikes in the road of retreat, but the Hummer, rather than go over the spikes, drove off the road, ran over and killed Aguilar, and fled back to Mexico.

The driver was Jesus Navarro Montes. And he fled to Mexico, ditched the Hummer with some friends, but was arrested by Mexican authorities 3 days later and charged with certain offenses.

□ 1900

Now, Mr. Speaker, the facts get a little messy. Montes is the only suspect in the murder of Aguilar, but he has recently been released from jail in Mexico. Some Mexican authorities say he was not in jail for the murder but unrelated smuggling charges. Even so, he was not tried for those charges even though he waited in jail for 6 months.

Mexico also says that the United States has failed to file extradition papers from the United States to Mexico requesting the extradition of this individual Montes. Extradition papers are a legal requirement between countries to bring criminals from one country to another. It's been 6 months, Mr. Speaker, and certainly those papers should have been filed some time ago.

Our Justice Department, however, refuses to comment on whether extradition was requested or the papers were filed. This is a bit odd and curious why our government won't say whether or not they even filed the appropriate paperwork and what the problem is. Did our government fail to file this simple paperwork? And if so, people in our government ought to be fired. This is inexcusable. And if Mexican authorities released prematurely, Mexico has some explaining to do as well. There is obviously incompetence in somebody's government regarding the release of this individual.

Meanwhile Navarro Montes is running lose somewhere in Mexico, laughing at both governments and probably still smuggling drugs into the United States. The Aguilar family still weeps, and they are waiting for justice for the death and murder of their loved one.

Mr. Speaker, this ought not to be. Our government should be as concerned about prosecuting drug smugglers that murder American Border Patrol protectors as they are about relentless prosecuting border agents like Ramos and Compean that were doing their job when charged with violating the civil rights of a drug smuggler on the border. We need some answers, Mr. Speaker, and not blissful silence and excuses from our government. Navarro Montes needs a trial so that justice can prevail because justice is what we do in this country.

And that's just the way it is.

THE NEED FOR A COMPREHENSIVE STRATEGY TO ADVANCE U.S. INTERESTS

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

Mr. SKELTON. Mr. Speaker, I rise today to talk about a fundamental problem affecting the national security of the United States which has not received the notice and consideration it deserves.

The United States suffers from the complete absence of a comprehensive strategy for advancing U.S. interests. This strategic void detracts from almost every policy effort advanced by the United States Government. As a result, major policies are inconsistent and contradictory in different areas of the world and across different policy realms. We find ourselves unable to agree upon and set national priorities for addressing the major challenges of our time. We suffer from a splintering of national power and an inability to coherently address threats and reassure and cooperate with allies.

What do I mean by a comprehensive national strategy? The word ''strategy'' has military roots, coming from the Greek word for ''generalship,'' but the concept of a strategy extends well beyond just the military context. In the context of this speech, and others that I intend to deliver on this topic, it means a commonly agreed-upon description of critical U.S. interests and how to advance them using all elements of national power: economic, diplomatic, and military.

The next President will have a unique opportunity to develop a successful strategy for the Nation. When President Dwight D. Eisenhower took office, he commissioned the Solarium Project to review strategies for dealing with the Soviet Union. After a competitive process in which three teams of advisers promoted the merits of three strategies, President Eisenhower decided to continue the policy of containment developed by President Truman, and did so with a largely unified administration.

Over the course of our history, the U.S. has had numerous successful strategies. During the Cold War, both major political parties supported a strategy of containment for confronting the Soviet Union. During World War II, the United States had a widely-supported strategy of focusing first on the war in Europe and deferring some effort from the war in the Pacific until the Nazi threat was contained. At other times in our Nation's history, we have pursued less successful strategies, such as a strategy of isolationism during the period between World Wars I and II.

The next President would be well advised to engage in and personally lead a Solarium-type approach to determining a strategy for today's rapidly changing world. To ensure that a new strategy for America can truly develop support across the political spectrum, Congress should be involved in the process, and to ensure that a new strategy is one that the American people can support, the general outline of the debate should be shared with and involve the American people.

This speech is the first in a series. In the future I will discuss the objectives and challenges that a new U.S. strategy will need to contend with; some of the means by which the U.S. will likely need to pursue its objectives and their ramifications for the national security apparatus of the United States Government; and some of the options that a Solarium-type review of a strategy by the next President would need to consider.

I hope that my colleagues will join me in urging the next President to address this problem and join with me in a conversation, both in Congress and with the American people, about what today's strategy should be.

THE PRESIDENTIAL SIGNING STATEMENTS ACT

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. Mr. Speaker, on May 8, 2008, I introduced H.R. 5993, the Presidential Signing Statements Act. This bill would promote congressional and public awareness and understanding of presidential signing statements.

The history of presidential signing statements dates back to the 19th century; however, a September 17, 2007, Congressional Research Service report noted that U.S. Presidents have increasingly employed the statements to assert constitutional and legal objections to congressional enactments. In doing so, a President sometimes communicates their intent to disregard certain provisions of bills that have been signed into law.

It is for this reason that I have introduced the Presidential Signing Statements Act. Just as the American people have access to the text of bills that are signed into law, they should have easy and prompt access to the content of presidential signing statements that may affect how those laws will be executed. To enable a more complete public understanding of our Nation's laws, the Congress should also be able to call for the executive explanation and justification for a presidential signing statement.

According to CRS, President Clinton issued 381 signing statements while in

office; 70 of these statements raised legal or constitutional objections. President George W. Bush has issued 157 signing statements; 122 of these statements have contained some type of constitutional challenge or objection. Because it's reasonable to assume that future Presidents will continue this practice, Congress should act now to pass legislation to ensure proper understanding and disclosure of these signing statements.

The American Bar Association recently examined the issue of presidential signing statements and appointed the Task Force on Presidential Signing Statements and the Separation of Powers Doctrine. That task force issued a report urging Congress to ''enact legislation requiring the President to promptly submit to Congress an official copy of all signing statements he issues . . . to submit to Congress a report setting forth in full the reasons and legal basis for the statement.'' The ABA also recommended that ''such submissions be available in a publicly accessible database.''

Mr. Speaker, the bill that I have introduced would require the President to transmit copies of the signing statements to congressional leadership within 3 days of issuance; require signing statements to be published in the Federal Register; third, require executive staff to testify on the meaning and justification for presidential signing statements at the request of the House or the Senate Judiciary Committee; and, fourth, provide that no moneys may be authorized or expended to implement any law accompanied by a signing statement if any provision of the law is violated.

Mr. Speaker, because it's important that we preserve the provision of power in our government and public understanding of our Nation's laws, I hope many of my colleagues will consider cosponsoring this legislation, H.R. 5993.

And, Mr. Speaker, I would also like to ask God to continue to bless our men and women in uniform and ask God to continue to bless the families, and may God continue to bless America.

CONGRESSIONAL WAR POWERS

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

Ms. WOOLSEY. Mr. Speaker, yesterday Warren Christopher and James Baker released a groundbreaking report on the powers of the Congress and the White House about declaring war.

The Constitution is clear that only Congress has the right to declare war. Not only that, but Congress is granted the power of the purse. We in the Congress decide when it's appropriate to enter into armed conflict and then fulfill our commitment by fully funding and protecting our troops.

The publication may sound like dry stuff, another commission with another report. But that's not the case.

The fact that this report even needed to be written is noteworthy, however. It's noteworthy on its very own. Who would have thought that Members of Congress would need to be reminded of our constitutional duties? But the Baker-Christopher report is absolutely necessary, particularly now, as the administration's drumbeat for war with Iran builds.

We have seen over the past years how some have exploited the so-called war on terror to mean war with anyone who does not agree with America. We have heard it before: ''If you're not with us, you're against us.'' Some even question the patriotism of those of us who have spoken up in opposition to some of the misguided policies of the White House, policies over the Iraq occupation, the loss of civil rights and liberties in the name of security, just as an example.

Recently, the New Yorker Magazine revealed that the administration sought up to $400 million to fund a major escalation of covert operations against Iran, described in a presidential finding—my colleague was just talking about those—signed by President Bush and designed to destabilize the country's religious leadership.

Mr. Speaker, you don't need a secret decoder ring to know what that means. How often does a country spend hundreds of millions of dollars to declare peace with another nation?

Congress must assert itself. We can't just be waiting around to be ''consulted.'' Consulting, not an open hearing or floor debate, is exactly what got us where we are today. I just don't think that we can sit back and wait for the executive branch to come down here to us and ask our permission.

This Congress, and the American people, will not stand for another war. We must strengthen our diplomatic efforts and work at it 24 hours a day. This is not something we can wait until the next administration takes over or until the current one forces our hand.

Negotiating with Iran's leaders may not be the ideal situation for some, but for others and most of us know it is the best opportunity that we have. Wouldn't it be nice if we could only talk to our friends? Well, that's not the way it is. We don't need to talk to our friends. We have to talk to those with whom we have differences. We have to talk to our enemies. That's the only way we are going to bring about any kind of disarmament and any kind of nonproliferation because talking to friends won't bring about human rights. It certainly won't bring about regional stability. We must have dialogue with Iran and we must do it now.

□ 1915

ENERGY INDEPENDENCE

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

Mr. BURTON of Indiana. Mr. Speaker, on both sides of the aisle, Democrats and Republicans, we realize that we need to start looking at every source of energy that we can come up with; solar, wind. Every kind. We need to move toward new forms of transportation; hybrid cars and other vehicles, maybe hydrogen-powered cars.

But in addition to that, while this transition from fossil fuels is taking place to these new technologies, we need to drill for oil. We need to be energy independent. We need to use such things as coal shale and offshore drilling, and drilling in Alaska, the ANWR, in order to get the oil that is necessary for us to move and become energy independent, and we can do that. But this Congress and the Senate, this House and the Senate, really needs to get together and come up with a plan that covers all of these things. If we don't start drilling for oil and using fossil fuel more efficiently in this country, we are going to have a severe problem.

The Iranians just fired some test missiles the other day. They did that in response to the Israelis flying about a hundred war planes down the Mediterranean for a distance that was pretty close to Tehran's distance from Israel. I think they are both sending signals. The head of the air force for the Iranians said that if there was any kind of an act of war toward them, they would sink ships in the Persian Gulf.

Twenty percent of the world oil goes through the Persian Gulf. You sink two ships in the Gulf of Hormuz and you're going to have chaos. We get as much as 40 percent of our oil from that region. If anything like that occurs, and as long as Iran keeps working toward their nuclear goals of building a nuclear weapon, the threat of war is definitely there.

Israel has been threatened with extinction by the Iranian leaders, Ahmadinejad, the President, and so the threat of a conflict is definitely there. The United States economically would be devastated if we weren't prepared for that eventuality because we don't have the energy here necessary to keep this economy moving.

The best way to make sure that doesn't happen is to use every source of energy we can come up with. While we are transitioning to these other forms of energy like air, wind, like solar, like hybrid cars, like coal shale, like hydrogen-powered cars, all those things, while we are moving toward those, which is going to take probably at least 10 years, or longer, some people say as many as 20, we need to have the energy to keep this country afloat without depending on Saudi Arabia, the Middle East, Venezuela and the Communist leader down there, Mr. Chavez. We need to move toward energy independence. The American people are paying between $4 and $5 a gallon for oil.

The Fourth of July parades just took place and I know that all of my colleagues heard from their constituents: Do something about the price of gasoline. The best thing we can do is start

drilling and looking for energy in America. I believe, and I think many experts believe, that if we start drilling in America and make a movement toward energy independence, you will see the price of oil drop very rapidly and, along with it, the price of gasoline.

But as long as we stand around here and don't do anything, we run the threat of a real economic chaos in this country because we aren't prepared to be dealing with our own energy problems if we can't get the oil from Venezuela and from other parts of the world, like Saudi Arabia. We are just not prepared for it.

We have the energy in this country and we are not drilling for it. We are sending as much as $500 million a day, a day, to Saudi Arabia and Venezuela for oil that we have right here in this country. We could keep that money at home, we could create more jobs while we are coming up with alternative sources of energy. But we are not doing it.

So I say to my Democrat colleagues again tonight, and I will be down here day after day and week after week saying, Let's get together and solve this problem.

I saw that the popularity of the Congress is now down to 7 percent. You know why? The American people are fed up with us not doing anything. We need to get together and solve this energy problem. We need to have energy independence. And we need to start doing it right now.

Remember what I said. If a conflict breaks out over there, all of us are going to be sorry that we didn't do something about it, about dealing with energy here at home.

Energy independence. Drill in America.

ANGLO-IRAQI TREATY OF 1930

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

Mr. McDERMOTT. Mr. Speaker, the reports out of Iraq these days make 2008 sound an awful lot like 1930. That's when the British strong-armed a so-called treaty to take control of Iraq's oil wealth. And it remained that way for decades until the people in the Middle East nationalized their oil wealth to end outside control. But western oil interests and the neocons have wanted it back ever since.

War Secretary Donald Rumsfeld may have said that invading Iraq had nothing to do with oil, but the announcement that western oil companies would get what they have lusted for says otherwise.

And editorial cartoonist Rob Tornoe of politicker.com summed up the world view the other day in a cartoon displayed right here next to me. He spoke truth to power with one compelling image. He says all at once that this entire war, its tragic casualties and immense cost, was all about oil.

As so many suspected all along, Secretary of State Rice tried to claim that the U.S. Government played no role whatsoever in securing sweetheart oil deals for Iraq's sweet crude oil. But the New York Times reported in a front page story, ''A group of American advisers led by a small State Department team played an integral part in drawing up contracts between the Iraq Government and five major western oil companies.''

The immense oil reserves beneath Iraq are the world's second largest, and western oil companies want them, just as they did 78 years ago. And like 1930, they plan to permanently occupy Iraq. To remove any doubt from the minds of the American people, I would like to enter into the RECORD the entire Angelo-Iraqi Treaty of 1930.

Let's look at Article 5. It says that maintaining order inside Iraq is the primary responsibility of the Iraq Government. But then it immediately says that Iraq recognizes and accepts Britain's role inside Iraq and grants Britain the right to build air bases and maintain military forces inside Iraq.

That is exactly what the President and this administration has been saying all along.

The President has made it clear he wants the U.S. to stay in Iraq permanently. In 1930, they didn't call it occupation, they called it a treaty. And they are doing it all over again.

Here's another example. The Angelo-Iraqi Treaty of 1930 addresses immunity for British forces and unlimited rights to bases and troop movements. And this administration is doing the same thing. People like Jonathan Schwartz on the Web site democrats.com, Internet sites like After Downing Street and newspapers like the Independent have all examined the 1930 document and compared it to current proposals. They conclude the date is different and it is now the U.S. instead of the British Empire.

Seventy-eight years later, the West is again trying to assume control of the Middle East under the guise of protecting them from themselves. In 2003, Donald Rumsfeld addressed U.S. troops in Baghdad and said, ''Unlike other armies in the world, you come not to conquer, not to occupy, but to liberate.''

In 1917, British General Stanley Maude, addressing Iraqis in Baghdad, said, ''Our armies do not come into your cities and lands as conquerors, but as liberators.'' The only new thing this administration added was that our soldiers would be greeted by flowers. We know that was not true, just as we know the entire basis for the U.S.-led invasion of Iraq was not true.

When the Prime Minister of Iraq the other day said that he wants a timetable for the withdrawal of U.S. forces, the President said no, he wants Americans in Iraq indefinitely.

The calendar may say 2008, but this administration is acting like it's 1930 all over again. A journalist has just summed it up in a cartoon. There lies Saddam, and the new statue will be the logos of our five favorite oil companies.

If we ignore the lessons of history, we are doomed to repeat the mistakes of history.

THE ANGLO-IRAQI TREATY OF 1930

Treaty of Alliance between His Majesty in respect of the United Kingdom and His Majesty the King of Iraq. Signed at Baghdad, June 30, 1930.

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, and His Majesty the King of Iraq, whereas they desire to consolidate the friendship and to maintain and perpetuate the relations of good understanding between their respective countries; and Whereas His Britannic Majesty undertook in the Treaty of Alliance signed at Baghdad on the thirteenth day of January, one thousand nine hundred and twenty-six of the Christian Era, corresponding to the twenty-eighth day of Jamadi-al-Ukhra, one thousand three hundred and forty-four, Hijrah, that he would take into active consideration at successive intervals of four years the question whether it was possible for him to press for the admission of Iraq into the League of Nations; and

Whereas His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland informed the Iraq Government without qualification or proviso on the fourteenth day of September, one thousand nine hundred and twenty-nine that they were prepared to support the candidature of Iraq for admission to the League of Nations in the year one thousand nine hundred and thirty-two and announced to the Council of the League on the fourth day of November, one thousand nine hundred and twenty-nine, that this was their intention; and

Whereas the mandatory responsibilities accepted by His Britannic Majesty in respect of Iraq will automatically terminate upon the admission of Iraq to the League of Nations; and whereas His Britannic Majesty and His Majesty the King of Iraq consider that the relations which will subsist between them as independent sovereigns should be defined by the conclusion of a Treaty of Alliance and Amity:

Have agreed to conclude a new Treaty for this purpose on terms of complete freedom, equality and independence which will become operative upon the entry of Iraq into the League of Nations, and have appointed as their Plenipotentiaries:

His Majesty the King of Great Britain, Ireland, and the British Dominions beyond the Seas, Emperor of India, for Great Britain and Northern Ireland: Lieutenant-Colonel Sir Francis Henry Humphrys, Knight Grand Cross of the Royal Victorian Order, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Most Excellent Order of the British Empire, Companion of the Most Eminent Order of the Indian Empire, High Commissioner of His Britannic Majesty in Iraq; and

His Majesty the King of Iraq: General Nuri Pasha al SA'ID, Order of the Nadha, Second Class, Order of the Istiqlal, Second Class, Companion of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Distinguished Service Order, Prime Minister of the Iraq Government and Minister for Foreign Affairs; Who having communicated their full powers, found in due form, have agreed as follows:

ARTICLE 1

There shall be perpetual peace and friendship between His Britannic Majesty and His Majesty the King of Iraq.

There shall be established between the High Contracting Parties a close alliance in consecration of their friendship, their cordial understanding and their good relations, and there shall be full and frank consultation between them in all matters of foreign policy which may affect their common interests.

Each of the High Contracting Parties undertakes not to adopt in foreign countries an attitude which is inconsistent with the alliance or might create difficulties for the other party thereto.

ARTICLE 2

Each High Contracting Party will be represented at the Court of the other High Contracting Party by a diplomatic representative duly accredited.

ARTICLE 3

Should any dispute between Iraq and a third State produce a situation which involves the risk of a rupture with that State, the High Contracting Parties will concert together with a view to the settlement of the said dispute by peaceful means in accordance with the provisions of the Covenant of the League of Nations and of any other international obligation which may be applicable to the case.

ARTICLE 4

Should, notwithstanding the provisions of Article 3 above, either of the High Contracting Parties become engaged in war, the other High Contracting Party will, subject always to the provisions of Article 9 below, immediately come to his aid in the capacity of an ally. In the event of an imminent menace of war the High Contracting Parties will immediately concert together the necessary measures of defence. The aid of His Majesty the King of Iraq in the event of war or the imminent menace of war will consist in furnishing to His Britannic Majesty on Iraq territory all facilities and assistance in his power including the use of railways, rivers, ports, aerodromes and means of communication.

ARTICLE 5

It is understood between the High Contracting Parties that responsibility for the maintenance of internal order in Iraq and, subject to the provisions of Article 4 above, for the defence of Iraq from external aggression rests with His Majesty the King of Iraq. Nevertheless His Majesty the King of Iraq recognises that the permanent maintenance and protection in all circumstances of the essential communications of His Britannic Majesty is in the common interest of the High Contracting Parties.

For this purpose and in order to facilitate the discharge of the obligations of His Britannic Majesty under Article 4 above, His Majesty the King of Iraq undertakes to grant to His Britannic Majesty for the duration of the Alliance sites for air bases to be selected by His Britannic Majesty at or in the vicinity of Basra and for an air base to be selected by His Britannic Majesty to the west of the Euphrates. His Majesty the King of Iraq further authorises His Britannic Majesty to maintain forces upon Iraq territory at the above localities in accordance with the provisions of the Annexure of this Treaty on the understanding that the presence of those forces shall not constitute in any manner an occupation and will in no way prejudice the sovereign rights of Iraq.

ARTICLE 6

The Annexure hereto shall be regarded as an integral part of the present Treaty.

ARTICLE 7

This Treaty shall replace the Treaties of Alliance signed at Baghdad on the tenth day of October, one thousand nine hundred and twenty-two of the Christian Era 1, corresponding to the nineteenth day of Safar, one thousand three hundred and forty-one, Hijrah, and on the thirteenth day of January, one thousand nine hundred and twenty-six, of the Christian Era 2, corresponding to the twenty-eighth day of Jamadi-al-Ukhra, one thousand three hundred and forty-four, Hijrah, and the subsidiary agreements thereto, which shall cease to have effect upon the entry into force of this Treaty. It shall be executed in duplicate, in the English and Arabic languages, of which the former shall be regarded as the authoritative version.

ARTICLE 8

The High Contracting Parties recognise that, upon the entry into force of this Treaty, all responsibilities devolving under the Treaties and Agreements referred to in Article 7 hereof upon His Britannic Majesty in respect of Iraq will, in so far as His Britannic Majesty is concerned, then automatically and completely come to an end, and that such responsibilities, in so far as they continue at all, will devolve upon His Majesty the King of Iraq alone.

It is also recognised that all responsibilities devolving upon His Britannic Majesty in respect of Iraq under any other international instrument, in so far as they continue at all, should similarly devolve upon His Majesty the King of Iraq alone, and the High Contracting Parties shall immediately take such steps as may be necessary to secure the transference to His Majesty the King of Iraq of these responsibilities.

ARTICLE 9

Nothing in the present Treaty is intended to or shall in any way prejudice the rights and obligations which devolve, or may devolve, upon either of the High Contracting Parties under the Covenant of the League of Nations or the Treaty for the Renunciation of War signed at Paris on the twenty-seventh day of August, one thousand nine hundred and twenty-eight.

ARTICLE 10

Should any difference arise relative to the application or the interpretation of this Treaty and should the High Contracting Parties fail to settle such difference by direct negotiation, then it shall be dealt with in accordance with the provisions of the Covenant of the League of Nations.

ARTICLE 11

This Treaty shall be ratified and ratifications shall be exchanged as soon as possible. Thereafter it shall come into force as soon as Iraq has been admitted to membership of the League of Nations. The present Treaty shall remain in force for a period of twenty-five years from the date of its coming into force. At any time after twenty years from the date of the coming into force of this Treaty, the High Contracting Parties will, at the request of either of them, conclude a new Treaty which shall provide for the continued maintenance and protection in all circumstances of the essential communications of His Britannic Majesty. In case of disagreement in this matter the difference will be submitted to the Council of the League of Nations. In faith whereof the respective Plenipotentiaries have signed the present Treaty and have affixed thereto their seals. Done at Baghdad in duplicate this thirtieth day of June, One thousand nine hundred and thirty, of the Christian Era, corresponding to the fourth day of Safar, One thousand three hundred and forty-nine, Hijrah.

(L. S.) F. H. HUMPHRYS.
(L. S.) NOURY SAID.

ANNEXURE TO TREATY OF ALLIANCE

1. The strength of the forces maintained in Iraq by His Britannic Majesty in accordance with the terms of Article 5 of this Treaty shall be determined by His Britannic Majesty from time to time after consultation with His Majesty the King of Iraq. His Britannic Majesty shall maintain forces at Hinaidi for a period of five years after the entry into force of this Treaty in order to enable His Majesty the King of Iraq to organise the necessary forces to replace them. By the expiration of that period the said forces of His Britannic Majesty shall have been withdrawn from Hinaidi. It shall be also open to His Britannic Majesty to maintain forces at Mosul for a maximum period of five years from the entry into force of this Treaty. Thereafter it shall be open to His Britannic Majesty to station his forces in the localities mentioned in Article 5 of this Treaty, and His Majesty the King of Iraq will grant to His Britannic Majesty for the duration of the Alliance leases of the necessary sites for the accommodation of the forces of His Britannic Majesty in those localities.

2. Subject to any modifications which the two High Contracting Parties may agree to introduce in the future, the immunities and privileges in jurisdictional and fiscal matters, including freedom from taxation, enjoyed by the British forces in Iraq will continue to extend to the forces referred to in Clause 1 above and to such of His Britannic Majesty's forces of all arms as may be in Iraq in pursuance of the present Treaty and its annexure or otherwise by agreement between the High Contracting Parties, and the existing provisions of any local legislation affecting the armed forces of His Britannic Majesty in Iraq shall also continue. The Iraq Government will take the necessary steps to ensure that the altered conditions will not render the position of the British forces as regards immunities and privileges in any way less favourable than that enjoyed by them at the date of the entry into force of this Treaty.

3. His Majesty the King of Iraq agrees to provide all possible facilities for the movement, training and maintenance of the forces referred to in Clause 1 above and to accord to those forces the same facilities for the use of wireless telegraphy as those enjoyed by them at the date of the entry into force of the present Treaty.

4. His Majesty the King of Iraq undertakes to provide at the request and at the expense of His Britannic Majesty and upon such conditions as may be agreed between the High Contracting Parties special guards from his own forces for the protection of such air bases as may, in accordance with the provisions of this Treaty, be occupied by the forces of His Britannic Majesty, and to secure the enactment of such legislation as may be necessary for the fulfilment of the conditions referred to above.

5. His Britannic Majesty undertakes to grant whenever they may be required by His Majesty the King of Iraq all possible facilities in the following matters, the cost of which will be met by His Majesty the King of Iraq. 1. Naval, military and aeronautical instruction of Iraqi officers in the United Kingdom. 2. The provision of arms, ammunition, equipment, ships and aeroplanes of the latest available pattern for the forces of His Majesty the King of Iraq. 3. The provision of British naval, military and air force officers to serve in an advisory capacity with the forces of His Majesty the King of Iraq.

6. In view of the desirability of identity in training and methods between the Iraq and British armies, His Majesty the King of Iraq undertakes that, should he deem it necessary to have recourse to foreign military instructors, these shall be chosen from amongst British subjects. He further undertakes that any personnel of his forces that may be sent

abroad for military training will be sent to military schools, colleges and training centres in the territories of His Britannic Majesty, provided that this shall not prevent him from sending to any other country such personnel as cannot be received in the said institutions and training centres. He further undertakes that the armament and essential equipment of his forces shall not differ in type from those of the forces of His Britannic Majesty.

7. His Majesty the King of Iraq agrees to afford, when requested to do so by His Britannic Majesty, all possible facilities for the movement of the forces of His Britannic Majesty of all arms in transit across Iraq and for the transport and storage of all supplies and equipment that may be required by these forces during their passage across Iraq. These facilities shall cover the use of the roads, railways, waterways, ports and aerodromes of Iraq, and His Britannic Majesty's ships shall have general permission to visit the Shatt-al-Arab on the understanding that His Majesty the King of Iraq is given prior notification of visits to Iraq ports.

F.H.H.
N.S.

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

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

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

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

TROUTMAN INDEPENDENCE DAY PARADE

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

Ms. FOXX. Last week, when I was home in North Carolina, I enjoyed celebrating our American freedom and independence in several parades and celebrations. One of the highlights of the many celebrations was the town of Troutman, North Carolina's Fourth Annual Independence Day Parade.

Thanks to the leadership of Parade Committee Chairman Dennis Cleary and members of the Marine Corps League Detachment 1091, as well as Troutman Mayor Elbert Richardson and many local citizens, this celebration was a tremendous display of American patriotism.

More than 200 Vietnam veterans served as grand marshals for this year's parade, as they led attendees through the streets of Troutman to the loud applause and cheers of their fellow citizens who welcomed them home with yellow ribbons tied along the parade route.

Many local organizations participated in this one-of-a-kind parade, led by many members of North Carolina's Rolling Thunder chapters, such as Ross Moore; North Carolina Rolling Thunder Chapter 2 from Statesville led by Chapter President George ''Mike'' Keller, a U.S. Army Vietnam veteran; North Carolina Rolling Thunder Chapter 6 from Winston-Salem led by Chapter President Bob Penn, a U.S. Marine Corps Vietnam veteran; as well as many veterans from the local American Legion, the local Veterans of Foreign Wars, and the local Disabled American Veterans.

It was an honor to join one of America's true heroes in the parade, Medal of Honor recipient Rodolfo P. Hernandez. Parading through Troutman with heroes like Mr. Hernandez is a poignant reminder of why it has been such a pleasure to participate in the celebration for the past 4 years. After all, this is a celebration of what makes America great: Our love for liberty and willingness to make great personal sacrifice for the cause of liberty.

I thank also all those who worked behind the scenes to make this annual parade another great success. I give a special thanks to our veterans and current service men and women, without whom we would have little to celebrate this year. Their sacrifices are not forgotten and must not be overlooked as they put their lives on the line each day to secure our freedoms. We are the land of the free because they are the brave.

God bless our military men and women and God bless America.

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

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

PANIC AND THE ENERGY CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Minnesota (Mrs. BACHMANN) is recognized for 5 minutes.

Mrs. BACHMANN. Mr. Speaker, we are at what I think is a very refreshing moment of clarity on the national energy debate that is occurring right now in hamlets and towns and villages all across the United States. We have captured people's attention because we really are at a crisis point because, at least in my district, the Sixth District of Minnesota, people are paying close to $4 for a gallon of gas. I know that the national average is at about $4.11 a gallon. It's at historic highs and people are frantic.

When I was home over the break, I had met with people from all aspects of dealing with the energy issue. In particular, I met with some car dealers and they told me that people come into the dealership, this was Morrie Wagner Chevrolet, and they told me that they have people literally coming into the store with panicked looks on their faces saying, Take my truck, take my SUV. It's a new car. Take my minivan. It's new. We still owe quite a bit of money on it but we can't afford to drive this thing. Sheer panic and trying to find anything else because they just don't know how much higher prices are going.

□ 1930

But I say that we are at a refreshing point in this debate for this reason: We have clarity right now on the debate that we have never had before. Frankly, I have been baffled; baffled by how are we going to be able to get us back to $2 a gallon gasoline or less? And I mean that sincerely. I know that we can be at $2 a gallon again.

It wasn't that long ago when I took office, 18 months ago. I am a first-termer in Congress, Mr. Speaker. When I came in, gas was $2 and change a gallon. Think of that. Eighteen months ago, gas was $2 and change, and here we are topping out at over $4 a gallon gasoline.

What happened in that amount of time, when we have seen a 76 percent rise in the price of gasoline? What happened? We have seen worldwide demand go up and up and up, so that worldwide demand exceeds the amount of supply. That has fed into the price going up and up and up.

Well, what do we do to deal with that? We need to get more supply so we can get the price down. Why isn't that happening? It is really clear to me now. And I was baffled about this. I couldn't believe it, but it is absolutely true.

The Democrats' position so far, Mr. Speaker, has been drive less, pay more. That is where they are coming from. I find that really hard to believe. I grew up a Democrat in a Democrat home, and I thought that just can't be. It defies commonsense. Drive less, pay more? That is your plan?

Well, that isn't just some Republican saying that. That is the Democrats' own words. There was just an aide of the Democrat leadership that just came out and said, ''This is what our plan is: It is drive small cars and wait for the wind.'' That is actually true. This was not a tongue in cheek remark. It is ''drive small cars and wait for the wind.'' Well, I don't know about you, but I think Members of Congress are going to be gone with the wind if we don't do something about the price of gasoline to bring it down again.

Not only that, I was reading on the Hill from Roll Call newspaper and another Democrat leadership aide had this to say: They said that the majority is confident they would be able to defeat the offshore drilling amendment.

Now, just think of that for a moment, Mr. Speaker. The Democrats are confident they would be able to defeat the offshore drilling amendment, which means what are we supposed to do for energy? We have got to go get it. We have got to drill for it. They want to kill being able to drill offshore to bring on line the energy that we need so we

can get the American people back to $2 a gallon and so we can get the economy back on track. But they are confident that they can kill this bill.

They have no intention of bringing more energy supplies on line. In fact, this aide was quoted as saying, ''We have defeated that amendment before, and we will defeat it again.'' They are proud of it. They admitted, at least I give them credit for that, yes, it is true, the Democrats are responsible for defeating drilling to get the energy that we need, and they are confident they are going to defeat it again.

It is almost unbelievable to me, because, as this chart says, what we need to do is bring it on. If we are short on energy, we need to bring it on. We need to bring the onshore oil on line, we need to bring the offshore oil on line, and the new refineries on line, because we are the Saudi Arabia of oil. We have more oil in three States, Utah, Colorado, Wyoming, we have more oil in those three States than all of Saudi Arabia. We have 25 percent of the world's coal in this country. We can be the Saudi Arabia of coal. We have more natural gas. We have 420 trillion cubic feet of natural gas in the Gulf of Mexico, and we can't get it.

Now, why is that? It is because of Congress. Congress created this problem. We are about the only country in the world that has made it illegal to access our own energy. Congress created this problem. Congress can solve this problem by making it legal to access our own energy reserves.

Well, that can't be done. We hear, Mr. Speaker, from the Democrat presidential nominee, Senator OBAMA, it will take 20 years before we can get any of this energy on line. Are you kidding? That is balderdash, so-to-speak. Of course, we can.

I have a bill that I am introducing this week that will fast track the permitting so we can have the Secretary of the Interior start immediately to get it online. We need to do this, the American people want us to do this, and we can get back to $2 a gallon gas.

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 CARMELO RODRIGUEZ MILITARY MEDICAL ACCOUNTABILITY ACT OF 2007

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

Mr. HINCHEY. Mr. Speaker, I would like to bring to your attention the circumstances of Sergeant Carmelo Rodriguez and the series of extraordinary mistakes the military made which led directly to his death.

In 1997, when Carmelo Rodriguez enrolled in the Marines, a physical performed by U.S. military staff concluded that Carmelo Rodriguez had melanoma present on his right buttock. No action, however, was taken.

In March of 2000, Carmelo marked ''no'' on a medical report indicating he was not aware of his melanoma.

On February 5, 2003, during a prescreening for foot surgery, another military doctor made note of a so-called ''birthmark'' present on his right buttock. Again, no action was taken.

During March of 2005, while Carmelo was deployed in Iraq, he saw another military doctor for a growth or sore on his buttock. He was told to keep it clean and visit the doctor again when he got back to the United States, which would be 5 months later.

On November 11, 2005, Carmelo saw the same doctor and was directed to dermatology to have the so-called birthmark removed for cosmetic purposes.

The next year, several months later, April 2006, while several referrals were ''lost in the system,'' Carmelo's so-called birthmark was bleeding and pussing constantly. He finally succeeded in seeing an appropriate doctor and was told he had stage III malignant melanoma.

Carmelo had three surgeries, received radiation and chemotherapy, but it was too late. The cancer had spread to his lymph nodes, to his liver, kidney and stomach, throughout his body. The doctors told him that if it had been caught earlier, it would have made a big difference.

Carmelo Rodriguez was a young, strong man and a dedicated member of the Armed Forces. At the age of 29, he died of a skin cancer that should have been caught much earlier by the military he was counting on. He left behind a family who loved him deeply, including his 7-year old son.

His family, like so many service men and women and their families, have been left with many unanswered questions. How could the military health system fail in such a significant and painful way? Why, after such a critical failure in health care, has the military not conducted and completed a full investigation into the circumstances that led to Carmelo's death? And how could it be possible that of all Americans, members of the military and their families are left no recourse in the face of such medical negligence?

In California, the wife and two small children of Staff Sergeant Dean Witt want to know why the military can't be held accountable when he died after routine appendicitis surgery.

Christine Lemp, whose husband, James, died after receiving questionable medical care for a stomach virus in Missouri, deserves to know why there is no recourse to holding the military accountable for his death.

Eight National Guardsmen and their families from New York City deserve answers in the face of the medical negligence that occurred after their exposure to depleted uranium.

The Feres Doctrine was a ruling by the U.S. Supreme Court nearly 60 years ago that denies service men and women the ability to hold the military accountable for acts of negligence, including medical malpractice. Under the Federal Tort Claims Act, Federal prisoners and even illegal aliens in the United States have the ability to seek damage from the Federal Government for medical malpractice, but members of our Nation's military still do not.

What I have done is crafted a piece of legislation to allow members of the military to seek just recourse in cases of military medical malpractice. This bill is about holding our military accountable for its actions and for its responsibility to our military members.

Carmelo's situation and this legislation speak directly to the fact that our military, including the military's health system, is spread thin by the occupation of Iraq. Our military is facing shortfalls of doctors, nurses and other health care staff across-the-board. This highlights just one of the many consequences of the decision to invade Iraq on false pretenses.

Service men and women must be on equal footing as all American civilians. I think Americans will agree that anything to the contrary contradicts the fundamental principles of our Nation. As a military veteran and Member of Congress, I believe we must match the dedication and sacrifice of our soldiers with the adequate health care they deserve and a fair avenue of recourse in the case that they do not receive that adequate health care.

I am hopeful that my colleagues will also agree and join me in support of the Carmelo Rodriguez Military Medical Accountability Act of 2008.

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

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

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

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

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

EXPRESSING SUPPORT FOR MIDWEST FLOOD AND TORNADO VICTIMS AND APPRECIATION TO THOSE WHO HAVE HELPED

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

Mr. LOEBSACK. Mr. Speaker, I rise today to express my sincere sympathy for individuals and families in my district, people across Iowa and throughout the Midwest who have experienced and in some cases are still experiencing severe flooding, record-setting water levels and other threatening weather conditions, including the tornadoes that swept through Northeast and Western Iowa. My thoughts are also with those individuals and families who are beginning the difficult task of assessing the extreme damage to their homes and businesses and just now starting the recovery process.

To date, the Governor of Iowa has issued emergency declarations for 86 of 99 Iowa counties and the President has declared 78 of those counties major disaster areas. Despite these dire circumstances, just days ago when back in my district, I saw home and business owners who saw their life's work washed away come together to rebuild a stronger and a better community. I was especially moved by a business owner whose company had been damaged. He was in tears talking about the situation, but his only concern was for his employees, their families and their homes.

The storms have devastated much of the Midwest, but Iowans and other Midwesterners have not lost their enduring spirit. I am extremely thankful to the thousands of volunteers who have sacrificed their free time to help their neighbors in these difficult times. I have spent time myself helping with the flood fighting and cleanup efforts and have been touched by the intensity and the commitment of the residents and volunteers, despite the circumstances. I commend them for their perseverance.

I am also extremely thankful for the hard work of Iowa's Governor's Office, local city officials, first responders, Iowa Homeland Security, the Departments of Human Services, Agriculture, Natural Resources, Public Health and Transportation, the Incident Management Team and the Iowa Insurance Division.

The U.S. Army Corps of Engineers Rock Island Division has also been an integral partner in the flood response efforts, as well as the Federal Emergency Management Agency, the Small Business Administration and the Red Cross in their response and assistance.

The Iowa National Guard deserves special attention. Many of these servicemembers had already served their country overseas in Iraq or Afghanistan in combat roles. Now they were called upon to perform their domestic function of helping tens of thousands of Iowans battle the raging floodwaters.

□ 1945

These men and women deserve our gratitude and respect. Through the cooperation and bipartisan work of the House and Senate, the delegations of the affected States, the Appropriations Committees, and the party leaderships, we were able to provide a meaningful down payment of Federal assistance for the victims of this immense natural disaster. I want to thank all of you for your support so far, especially those colleagues who have offered their sympathy and assistance to me and my district personally. We have only just begun to assess the magnitude of damage in Iowa and across the Midwest.

As the recovery process continues, I hope the House and Senate will continue to work together in a bipartisan fashion to address the needs of individuals, families, communities, and businesses in all the affected States. I remain committed to working together to necessary Federal support to my fellow Iowans.

The road to recovery for Iowa and other Midwestern States will be long and difficult, but the commitment of local, State, and Federal Governments, combined with the steadfast resiliency of our Midwest families, will enable our communities to rebuild, move forward, and thrive once again.

HIGH ENERGY PRICES

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

Mr. STUPAK. Mr. Speaker, the price of crude oil has doubled over the past year. Oil is now at $136 a barrel, gasoline is at $4.11 a gallon, diesel prices are at $4.73 a gallon. As a result, citizens and industries across Northern Michigan and our great country are hurting. Airlines are eliminating service to 100 cities, laying off thousands of workers, and projecting up to $13 billion in losses due to jet fuel price increases that cannot be passed on to consumers. Truck drivers are going out of business, and many more are just parking their trucks because they actually end up losing money after paying so much money for diesel. Loggers and farmers face increased costs at all stages of their operations, from planting and harvesting, to transporting their product to market. As a result, high energy prices have caused significant increases in the cost of food.

There is no way to justify the doubling of oil prices based simply on supply and demand. And despite the false promises by the minority party here in Congress, Democrats in Congress are addressing the energy issues. We are looking for more areas to begin immediately drilling for oil, conservation of energy, passing gas price gouging legislation, and ending excessive speculation in the energy futures trading market.

The Government Accountability Office found that the volume of trading in energy commodities has skyrocketed, specifically after the Enron loophole was enacted in 2000. The Government Accountability Office also found that, while trading has doubled since 2002, the number of Commodity Futures Trading Commission staff monitoring these markets has actually declined.

Between September 30, 2003 and May 6, 2008, traders holding crude oil contracts jumped from 714,000 contracts to more than 3 million contracts. This is a 425 percent increase in trading of oil futures in less than 5 years. Since 2003, commodity index speculation has increased 1,900 percent, from an estimated $13 billion to $260 billion. The 1,900 percent increase in commodity index speculation has inflated the price of crude oil by approximately $37 a barrel. Other experts estimate it could be even more.

On June 23, 2008, the Oversight and Investigations Subcommittee that I chair held a hearing on the effects speculators have on energy prices. This was the sixth hearing that the Energy and Commerce Committee has held on gas prices over the past 2 years. Fadel Gheit, managing director and senior oil analyst at Oppenheimer & Company, testified that, ''I firmly believe that the current record oil price in excess of $135 per barrel is inflated. I believe, based on supply and demand fundamentals, crude oil prices should not be above $60 a barrel.''

In 2000, physical hedgers, businesses like airlines that need to hedge to ensure a stable price for fuel in future months, accounted for 63 percent of the oil futures market. Speculators accounted for 37 percent. By April of 2008, physical hedgers only controlled 29 percent of the market. What we now know is that approximately 71 percent of this market has been taken over by swap dealers and speculators, a considerable majority of whom have no physical stake in the market. Over the past 8 years, there has been a dramatic shift as physical hedgers continually represent a smaller and smaller portion of the market.

The New York Mercantile Exchange, NYMEX, has granted 117 hedging exemptions since 2006 for West Texas Intermediate crude oil, many of which are for swap dealers without physical hedging positions. This excessive speculation is a significant factor in the price Americans are paying for gasoline, diesel, and home heating oil.

In May 2008, the International Monetary Fund compared crude oil over the past 30 years to the price of gold. Gold prices are not dependent on supply and demand, and have been viewed as a highly speculative commodity. The IMF analysis shows that crude oil prices track increases in gold prices.

What this means is that oil has been transformed from an energy source into a financial asset like gold, where much of the buying and selling is driven by speculators instead of producers and consumers. Oil has morphed from a

commodity into a financial asset, traded for its speculative value instead of its energy value. Even the Saudi oil minister has argued that high oil prices are due to excessive speculation in the markets.

As former Secretary of Labor Robert Reich noted on National Public Radio a few weeks ago, the problem is the government's failure to curb excessive speculation.

There are significant loopholes that exempt energy trading from these protections against excessive speculation: The Enron loophole, the Foreign Boards of Trade No Action letters, the Swaps loophole, and the Bona Fide Hedging Exemption. While the recently passed farm bill addressed the Enron loophole for electronic trading of natural gas, a significant portion of the energy trading continues to be exempt from any Commodity Futures Trading Commission action to curb excessive speculation.

For 3 years, I have looked into excessive speculation in the energy markets. My latest bill, the PUMP bill, H.R. 6330, would end all of these exemptions to ensure that excessive speculation is not driving up these markets beyond the fundamentals of supply and demand.

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

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

ABORTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from New Jersey (Mr. SMITH) is recognized for 60 minutes as the designee of the minority leader.

Mr. SMITH of New Jersey. Mr. Speaker, I rise tonight to ask a very serious question: Why is Congress, why are we, subsidizing the abortion industry?

Most Americans, I suspect, probably have no idea whatsoever that our tax dollars have enabled abortionists to establish and to run hundreds and hundreds of abortion mills throughout America. Indeed, America's biggest abortion chain is Planned Parenthood. Each year, approximately 290,000 children are aborted in Planned Parenthood clinics. Each year, Planned Parenthood gets more than $335 million in taxpayer funds, including huge amounts from the Department of Health and Human Services' title X program. Tragically, as their business grows, and they now have some 850 clinics and they have embarked on a building binge, and this chart clearly shows that as the taxpayer funds go up, the number of abortions go up because more venues are then provided to destroy the unborn child.

It may come as a surprise to at least some of my colleagues and the American people that the babies lost and women wounded by abortion are disproportionately African American and Hispanic. A study in 2005 found that 62 percent of Planned Parenthood abortion mills are located in African American communities. And when Hispanics are included, that percentage rises to over 70 percent. Of course, every human life is sacred regardless of race, gender, disability or condition of dependency. Every human life is of infinite value. But the disproportionate number of minorities who are aborted in Planned Parenthood clinics begs the question.

Two weeks ago, Dr. Alveda King, niece of the late Dr. Martin Luther King, said here in Washington, ''Defending human life is part of the civil rights struggle.'' She said, ''We are uniting civil rights and moral rights to fulfill the dream of what my uncle called the beloved community.'' She goes on to say that ''America needs to know that black leaders do support life. We start where life begins, with the babies, and we will march until abortion, racism, and all of society's ills bow to the truth that we are all one race.''

Dr. King, who has had two abortions herself, now boldly speaks out for both victims of abortion, the unborn child and his or her mother. She has said, ''The government should not be subsidizing racism, but that is exactly what it's doing through Planned Parenthood.''

Mr. Speaker, it is time, it is long past time, for us to take a serious, and for some a second, look at Planned Parenthood, its origins, and the fact that since 1973, the year the U.S. Supreme Court issued its infamous Roe v. Wade decision and legalized abortion, that approximately 4.5 million babies, disproportionately African American and Hispanic, have died in Planned Parenthood clinics.

It is time to look past the slogans and the rhetoric and the cheap sophistry, the euphemisms that are used to mask and to cloak this deed that kills a child. Abortion is big business and it is destroying the next generation of Americans, and you and I, Mr. Speaker, are subsidizing it.

Tragically, the seemingly benign Planned Parenthood, which works overtime to market its image and its brand, is in the grisly business of dismembering the fragile bodies of unborn children with chemicals, sharp knives, and hideous suction machines that are 25 to 30 times more powerful than a vacuum cleaner used at home. Planned Parenthood ought to be known as Child Abuse, Incorporated for the large number of children, 4.5 million, that it has already killed and continues to kill all while being subsidized by American taxpayers. This is not a business of healing or nurturing or caring. This is a business of destroying the most vulnerable and weakest members of our society.

For Planned Parenthood, business is good. Violence against children pays handsomely. In 2006, it actually increased the number of abortions it performed by nearly 25,000, while abortions nationwide were in decline, for a total of 289,750, a new pathetic record of kids killed even for Planned Parenthood. For so-called medical abortions, Planned Parenthood quotes prices from $350 to $650. For surgical abortions, they earn $350 to $900 apiece. These fees for so-called ''services rendered'' boosts the bottom line of this big business.

To put the annual number of child deaths in perspective, I ask my colleagues and the American people to picture this: 71,000 fans filled the University of Phoenix stadium to watch the Super Bowl this past February. It was a great game, my team won, the Giants. But the number of unborn babies whose lives were taken from them before they could take their first breath by this one corporation in one year could have filled that enormous stadium more than four times over. Planned Parenthood is now responsible for committing more than one out of every five abortions performed in the United States of America.

If the number of abortions performed alone doesn't convince you of Planned Parenthood's agenda, just compare it with other services it provides to pregnant women. Planned Parenthood, they have got the word ''parenthood'' in their slogan, in their name, but they provided a mere 11,000 clients with prenatal care. You walk into what is called a Planned Parenthood clinic, and you would expect to walk out with a baby, but prenatal care is not something they put an emphasis on. That is a ratio of one parent to every 26 women who lose their children to abortion. After it was revealed that Planned Parenthood had referred a meager 1,414 clients to adoption services in 2004, Planned Parenthood stopped reporting this miniscule adoption referral number. So, again, those children who go to abortion clinics with their mothers, in utero that is, don't walk out as potential adoptees.

□ 2000

To me, Mr. Speaker, this record doesn't seem to be that of an organization dedicated to preserving women's choices. I might add that these tiny lives are being extinguished. There are thousands of American families waiting to adopt, and we all know that. There are upwards of 2 million families who would love to adopt, but unfortunately, the babies are aborted.

Finally, if that is not enough, this so-called ''pro-choice'' organization does everything within its power and massive budget to prevent women from knowing all of their options and from being certain that their choices are truly informed.

Let's not forget that Planned Parenthood lobbies this Chamber and the Senate and, certainly, in each legislature throughout the country, and they litigate and litigate and bring court cases

over and over again in all of the States, against virtually every child protection initiative at both the State and Federal levels, including that of parental notification, spousal notification, women's right-to-know laws, informed consent laws—which actually bring down the numbers when women get the booklet and are informed about the growth and about the development of their child as well as about deleterious effects to their health—waiting periods, partial-birth abortion, the Unborn Victims of Violence Act, statutory rape reporting laws, and of course, abortion funding bans.

Can we trust Planned Parenthood? They say their vision is to be the Nation's most trusted provider of sexual and reproductive health care. This is from an organization that targets minorities, that performs millions of abortions and barely even attempts to help women carry the babies to term. Reproductive health should include, not exclude, babies.

Mr. Speaker, the truth about Planned Parenthood's long, systematic destruction of vulnerable human life, at long last, must be brought to light. The cover-up must end.

I would like to yield to the distinguished gentleman from Pennsylvania (Mr. PITTS) for 5 minutes.

Mr. PITTS. Thank you.

Mr. Speaker, I rise today to highlight the practices of an industry that are characterized by death, deception and depression—the abortion industry—and that's just what it is, an industry.

Since 1973 and the infamous Roe v. Wade decision, 50 million unborn babies have been lost. Abortion has burgeoned into a thriving industry. At the average cost of hundreds of dollars per abortion, the abortion business is a billion-dollar-a-year industry in the United States. It's even bigger than that internationally, and the American taxpayer subsidizes it. Abortion providers continue to receive hundreds of millions of dollars of taxpayer funds every year. The U.S. Government subsidizes this industry every year in every budget.

Planned Parenthood has emerged at the front of this big business as one of the top abortion providers in the country. Two years ago, this not-for-profit organization posted record-breaking profits. Last year, it reported even higher profits, but at whose expense does this profit come? It's at the expense of helpless unborn children, young girls and women.

While the government continues to provide a slush fund for abortion providers, a mother mourns the loss of her child; siblings grieve their unborn brother or sister, and grandparents lament the grandchild who was taken from them. My own words could never fully capture the pain that has been meted out by the hand of the abortion industry. So, instead of sharing my own thoughts, I'll give voice to the stories of so many who have been silenced by the powerful abortion lobby.

One woman tells the story of how she was routinely raped by her father. When she was 16, he forced her to have an abortion at a Planned Parenthood clinic in Cincinnati where she reported the abuse to the staff. However, the staff chose not to report her case to law enforcement. It was not until the girl told a school counselor that the authorities were notified so that they could intervene and rescue her.

The bottom line is that abortion clinics are habitually covering up abuse by failing to report statutory rape, and we are funding those clinics with title X money. We must stop funding clinics that facilitate abuse and that cover up crimes against children.

Another woman from Nebraska recently filed a lawsuit against Planned Parenthood after undergoing an abortion that resulted in the perforation of her uterus and in a severe loss of blood. According to reports, the abortion practitioner began the procedure with a shot in the woman's uterus, and she immediately complained of severe pain. She told the practitioner to stop, but he allegedly replied ''We can't stop.'' The woman was then restrained by three Planned Parenthood employees while the practitioner completed the abortion. She experienced severe pain, bleeding and three seizures by the time she arrived at the hospital. A hospital report stated that her uterus was perforated during the abortion and that doctors had to perform an emergency hysterectomy because of the severe damage to her body. The doctors later said that the botched abortion could have killed her.

The abortion industry makes false claims that abortion is harmless and that it is a simple procedure. They often use safety as a talking point for legalization. However, the truth is that abortion, legal or not, is a risky procedure that carries potentially serious side effects for the health of the woman. Unfortunately, the deceit does not end there. The abortion lobby denies the reality that abortion has a very powerful and lasting emotional impact on most women, but real human stories decry this lie. Again, I'll share not my words but the stories of those who've experienced the pain themselves.

A 14-year-old girl writes ''This was something I really never thought I'd go through, something I don't want anyone else to have to go through. I did not feel a thing physically, but emotionally, I'm scarred for life. The day it came, I was so upset: the last time I could sing or talk to my baby again. Not even a day after, I'm already regretting it, just sitting here, wondering what he or she would have become.''

While we continue down the path of deception, women continue to suffer. I hope, during this hour, we might remember the lives of those who could have been. We might remember the lives of unborn children who are lost. We might remember the lives of women and families who carry hurt and pain from an experience that they were told would be harmless.

Organizations like Planned Parenthood claim to work to reduce abortions, but ironically, they remain the top abortion provider in the country. Every Federal dollar to support abortion providers is a dollar to help the abortion industry flourish at the expense of women, of young girls and of unborn children.

As the chairperson of the Feminists for Life, Frederica Mathewes-Green once said, ''An abortion wounds a mother's heart. They will never recover from the grief of an abortion. There are always two victims within an abortion—the baby and the mother—one wounded, one dead.''

Mr. Speaker, the taxpayers deserve to know that their hard-earned dollars supposedly destined for family planning services are being used to subsidize the abortion industry. I urge my colleagues to oppose Federal funding for abortion providers and to support the Title X Abortion Provider Prohibition Act.

I thank the great leader in the pro-life movement here in the House, CHRIS SMITH, for leading this hour. Like my hero, William Wilberforce, the British parliamentarian who led the abolition movement in Britain because he was against slavery, CHRIS SMITH and other pro-life leaders here tonight are leading the pro-life movement because we're against abortion.

I yield back the balance of my time.

Mr. SMITH of New Jersey. I thank my good friend for his very eloquent statement, and I thank him for his leadership. This is the human rights issue of our time, and it's about time people recognized it as a human rights issue.

I yield 5 minutes to the distinguished gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. I thank the gentleman for yielding.

I'm pro-life. I don't apologize for it. I believe that the sanctity of life is a central axiom of Western civilization.

Let me say, as we gather this evening under the leadership of the chairman of the Pro-Life Caucus here in the House of Representatives, Mr. Speaker, we are not really gathered this evening to debate the sanctity of life. We're really gathered tonight to shed light on a fact about Federal funding that, I think, escapes most Americans, and that is this simple fact:

That the largest abortion provider in America is the largest recipient of Federal funding under title X.

You know, when I'm walking down the street in Anderson, Indiana or in Muncie, Indiana, people know about my work on this particular issue. With the legislation I authored last summer during the appropriations process that received 189 votes to defund Planned Parenthood, one person after another will grab me by the elbow and will say,

''Mike, I did not know. I did not know that we gave a penny to the largest abortion provider in America, let alone the fact that the largest abortion provider in America, namely Planned Parenthood, is the largest recipient of Federal funding under title X.''

I mean the truth is that there has been much debate since 1973 and the decision of Roe v. Wade about the sanctity of life and the fault lines of the law and life, but where there has been national consensus since the very early days of this debate when a Congressman from Illinois named Henry Hyde conceived of the Hyde Amendment, there has been a national consensus behind the notion that, whatever your view of abortion, it is simply morally wrong to take the taxpayer dollars of millions of Americans who believe abortion is morally wrong and use it to pay for or to subsidize the performance of or the promotion of abortion.

The Hyde Amendment gave birth to what has been the dominant philosophy in our foreign aid funding. It's called the Mexico City Policy. It essentially says that no U.S. foreign aid can go to any organization that performs or that promotes abortion as a means of birth control.

You know, Madam Speaker, I really think many Americans think that that's the law here at home, too, that because the overwhelming majority of Americans think that pro-life Americans should not be forced to pay for abortions or to subsidize organizations that promote abortion, they think it doesn't happen here, when, in fact, let me say again that the largest abortion provider in America is the largest recipient of Federal funding under title X.

Now, abortion-rights advocates and, most especially, Planned Parenthood would be the first to step forward to say that they don't use title X family planning money to perform abortions. In fact, there are very strict Federal regulations that are in place that require a separation between Planned Parenthood abortion service clinics and Planned Parenthood title X clinics for the poor. I suppose, while there have been instances of alleged misfeasance and of the commingling of funds, I'll leave that completely out of this conversation and will allow for the fact that there is this separation, but I've got to tell you, Madam Speaker, that anybody knows that the money that Planned Parenthood receives for its non abortion activities frees up resources to go into its abortion activities.

The American people also deserve to know that this nonprofit organization received over $336 million in government grants and contracts, I think, in 2006. It had an excess of revenue over expenses of $56 million in 2005, and it had $112 million in 2006, which has given rise to the building spree that was reported on page 1 of the Wall Street Journal. Well, now Planned Parenthood is planning to go suburban with all new up-scale abortion mills around the country. So I commend the gentleman from New Jersey for bringing this conversation to the floor.

I authored a bill last year in the Labor-HHS legislation that would have denied any Federal funding in title X from flowing to Planned Parenthood of America, and it received 189 votes, including 20 Members of the majority voting for it. If Congress ever got around to considering the Labor-HHS appropriations bill this year, I sincerely believe that that number would grow as public awareness has grown about the simple fact that the largest abortion provider in America, Planned Parenthood, is the largest recipient of Federal funding, and that ought not to be.

Whatever a person's view of abortion is, it is my hope—and frankly, it is my prayer—that this Congress will come together in a bipartisan way and will implement a domestic Mexico City Policy and will say to the millions of Americans, to the hundreds of millions of Americans, perhaps, who have moral objections to abortion, we will not take your tax dollars and use it to subsidize the largest abortion provider in the United States of America. That's all we're here to talk about today.

I urge my colleagues to reflect deeply on the fundamental fairness of this issue and to support the Title X Abortion Provider Prohibition Act that would bring a change to the law. In the appropriations cycle, if we ever get around to it in this Congress, let's take decisive action to defund Planned Parenthood, not cut a dime out of title X and its family planning programs, but let's say no more Federal tax dollars to the largest abortion provider in America.

I yield back the balance of my time.

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Mr. SMITH of New Jersey. I want to thank my friend for his eloquent statement.

I yield to MICHELLE BACHMANN such time as she may consume, and I understand some of the other Members may want to ask you to yield for a colloquy or for some comments.

Mrs. BACHMANN. Absolutely. Thank you, Mr. Congressman.

I'll be referring to an article that came out. It's a shocking article that many of us in this Congress read just a few weeks ago, and I commend the American people to pick this up on the Internet or go find it at your local library. June 23, 2008, the Wall Street Journal newspaper, it's on page 1. It's an article by Stephanie Simon called ''Abortion Provider Goes Upscale. Aid For Poor Questioned.'' And here is the bottom line of this article.

It exposes the fact that Planned Parenthood, a 501(c)3 organization, which is a nonprofit organization—in other words, Planned Parenthood pays no taxes. They don't have to pay taxes because they're considered a nonprofit. This nonprofit is big business. It was started back in 1916 by Margaret Sangar, a woman who promoted eugenics, and this organization has now become a big box retailer, big abortion, in other words. It is a big retailer. And it brought in, get this, $1 billion in revenues—$1 billion in revenues.

Not only does this organization not pay taxes like other businesses do, but they receive in that $1 billion, almost one-third of what they receive comes in the form of your tax money, Federal tax money, State tax money. But get this: they receive almost $1 billion, according to this article, in annual revenue, one-third of that coming from Federal and State grants to care for women. The nonprofit ended the year with a surplus of a $115 million.

So they had your money, your money that you're paying in taxes. They had an extra $115 million cash on hand at the year end. A $1 billion budget, and they had that much cash on hand, about 11 percent of its revenue, net assets of $952 million, almost a billion dollars in net assets.

So the article asks, Why are we giving them so much money? That's exactly right. Why are they receiving, as Congressman MIKE PENCE asked, why are we giving them so much tax money? They have 882 clinics Statewide, and they quietly dropped their statement that said no matter what a person's income, we're going to be helping those people.

Well, let me tell you, they've made a decision, Planned Parenthood, that they are going to go after the affluent. How do I know that? It's happening in my district, and it was detailed in this article. It said three express centers in wealthy Minnesota suburbs and shopping centers and malls, places where women are already doing their grocery shopping, picking up their Starbucks, living their daily lives.

Do we understand what this is? This is to promote women, to promote that woman intentionally take the lives of their unborn children. We are asking God-fearing Americans to subsidize this brutal and bloody procedure on a regular business in upscale shopping malls all across the United States.

Not only are they not paying taxes, but we are giving them over $330 million a year to do this dastardly deed. And when they do this, do you realize they could take this money and they can use it for political functions? I don't know how this works. What a game. Who wouldn't want to get in on this?

And all across the country, we have very poor, struggling life care centers, organizations that are trying to give positive alternatives to women. They don't get these grants. They don't get them. They get local donations to try to help women make a decision about saving lives and choosing life.

I just want to end with the fact that if we can agree on nothing else, it should be that the United States taxpayer shouldn't have to pay taxes to an organization that uses your money to

politicize, yes, in upcoming elections candidates who give them more of your tax money. This is unconscionable.

And I look so forward to hearing what our colleagues are going to have to say to the American people about this gross injustice. You bet we should defund Planned Parenthood. We should take away their tax fund and we should defund.

Mr. HENSARLING. Would the gentlelady yield?

Mrs. BACHMANN. Absolutely.

Mr. HENSARLING. I want to thank her for bringing this article in the Wall Street Journal, one of America's largest newspapers, to the attention of this body; and obviously it is fascinating for us to discover that the single largest provider of abortion in the Nation, Planned Parenthood, I believe performing one out of five abortions in America, has now planned, according to the press, a rebranding campaign to appeal to women of means.

I quote from the article, A move that opens new avenues for boosting revenue and they hope political clout.

And as I understand from the gentlelady from Minnesota, as I read through this article, that their political action arm plans to raise $10 million to influence the fall campaign; and as they take the lives of almost 300,000 innocent children, not only is the American taxpayer being asked to subsidize this horrid, this gruesome procedure that so many in America consider to be absolutely immoral, then to top even more indignity on the act they're going to turn around and use money and come back to Congress and ask for even more.

Do I understand that correctly?

Mrs. BACHMANN. You absolutely do. That's exactly what the article says. In fact, it goes on to say that it's the Federal tax law that has caused this tragedy.

I'm a former Federal tax litigation attorney, and this is absolutely true. This is what our tax code allows. In fact, Planned Parenthood, who plans to raise the $10 million, as the gentleman from Texas said correctly, they can take that money that we taxpayers are giving them to mobilize voters and advocate on issues such as abortion rights and sex education in schools.

Life care centers don't get that advantage, but people who advocate for the destruction of innocent human life get this money.

Mr. HENSARLING. And if the gentlelady will yield again, I see in the same article that as the taxpayers have to subsidize all of these abortions, that Planned Parenthood are updating their clinics to, Have a contemporary, fun, and lively look with a new color pallet that includes pink, orange, and teal.

Can the gentlelady enlighten me what is contemporary, fun, and lively about the abortion industry?

Mrs. BACHMANN. As the gentleman knows, there is nothing fun about an abortion. In fact, for many women, they are forced into abortion by a boyfriend who says they'll leave them, by parents who say, What an embarrassment. And women, often against their own desires, are forced into getting an abortion when they don't want to.

Mrs. SCHMIDT. Could you both yield on that? Because I do want to talk about that.

This is something that's happened in my district at least on two occasions. You know, in 1997 it came to light the title X grantees were not reporting rape, incest, sexual abuse, child abuse, and molestations. In response, Congress rightfully included language in the 1999 Labor HHS bill to appropriately clarify that title X grantees are not exempt from State reporting laws. I only wish that Cincinnati Planned Parenthood was doing this because let me tell you what is going on there.

Cincinnati Inquire on May 10 of last year reported an incident of two young ladies who were victims of sexual abuse, and I would like to talk about the kind of sexual abuse these ladies incurred.

The first one was a young lady who was continually molested by her father. The abuse began when she was just 13 years of age. In November of 2004, she was forced by her father to have an abortion. She told the employees at Planned Parenthood that she was being forced to have sex and do things she didn't want to do. But despite this fact, no report was made. She was sent home to endure another year-and-a-half of sexual abuse. The abuse only ended when she told a school official what was going on at home.

Thankfully, because of our wonderful prosecutor in Warren County, her father is now serving hard time in prison. Not long enough, but what the law allows him to

She has filed a civil case against Planned Parenthood. Unfortunately, even if her allegations are proved true, no financial reward can bring back the extra year-and-a-half of absolute abuse she had because Planned Parenthood looked the other way and failed to follow Ohio's law.

But that's not the end of the story.

In another case, a 14-year-old girl was taken by her 21-year-old soccer coach to have an abortion. She allegedly used her junior high school ID, and her abuser paid for the procedure with a credit card and driver's license and said he was her guardian. The abuse was never reported.

According to the same Inquire story regarding the second case I mentioned, a form filled out by Planned Parenthood said, The patient reports pregnancy is a result of sexual assault by a stranger. After consultation with an attorney, report of a crime to the police was not made due to physician-patient privilege. We are prohibited from reporting as no severe bodily injury was reported. What about the mental injury, the mental abuse that this girl suffered?

You know what happened? A year later, I think it was a year later, some time later, she was back at the doctor with her parents, and the doctor said, Do you know your daughter had an abortion? That's how the parents found out she had an abortion, and she fessed up it was the soccer coach.

The young lady's attorney said that the prosecutors in four local counties know of no such exemption to the reporting issue, and it isn't in Ohio.

You know, we're giving this organization money, and this organization is forcing these young women to have abuse.

I would like somebody else to continue with this colloquy because I think this is a very serious issue.

Mr. HENSARLING. Well, I thank the gentlelady from Ohio for yielding back, and I know there are other speakers who wish to speak, so I will try to be brief.

The gentlelady from Minnesota spoke about life-saving centers. On Monday of this week, I went to one. I didn't go as a Member of Congress. I went as a father. And my wife and I have two small children, 6 and 4, and it was time to donate their old baby beds and donate a bunch of maternity clothes. And I had heard about the Dallas Pregnancy Resource Center. A bunch of great ladies in Dallas, Texas, trying to save human life. I had heard of them. I didn't think they knew me, and I showed up on a Monday morning unshowered, unshaven, in a T-shirt to donate two baby beds and a box full of maternity clothes that belonged to my wife. They were very thankful for the gift.

And when I was filling out the paperwork, they realized who I was and insisted that I tour the facility. And although I was unshaven and unshowered, I complied with their request, and I'm glad I did.

And it is amazing to me, as I think upon my visit with these ladies on Monday, to think that on the one hand, you have Planned Parenthood getting hundreds of millions of dollars of taxpayers' money to take the lives of the most innocent among us, the unborn—as pictured next to the gentlelady from Minnesota—hundreds of millions of dollars spent on this abortion factor.

And here is this one little place in Dallas, Texas, called the Dallas Pregnancy Resource Center, and they sit there and they counsel with these low-income, these mostly young teen mothers. And every time that they are able to convince a mother to choose life over death, they put a tiny, tiny set of paper footprints on a bulletin board.

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As you might imagine, sometimes they're blue and sometimes they're pink, and they have the date that one human life was saved.

To the best of my knowledge, the Dallas Pregnancy Resource Center receives no Federal money whatsoever to save human lives, and Planned Parenthood takes hundreds of millions of dollars of Federal taxpayer money to take

human life. Something is wrong in America when that takes place.

We need to stop, we need to take note of what is taking place. In my head and in my heart, I can come to no other conclusion but that life begins at conception. I take it as a matter of faith, but if I didn't take it as a matter of faith, how can any human being, how can any American, look at that picture next to the gentlelady from Minnesota and conclude otherwise?

In our Founding documents, the right to life is unalienable. How can this body ever act otherwise?

Mr. SMITH of New Jersey. At this time, I yield to our friend and colleague, Mr. SALI.

Mr. SALI. Madam Speaker, Mother Teresa once said: ''Any country that accepts abortion is the poorest of the poor.'' On that basis, I fear that our own great country is in serious trouble.

While current law forbids family planning agencies from using Federal funds for abortion, those same organizations are able to receive those title X funds for their other family planning services, even if the organizations also provide and even promote abortion.

Today, as long as the bookkeeping of the two divisions is kept separate, these organizations can reallocate their resources and free up money for providing abortions. In other words, it appears that an accounting gimmick masks the way Planned Parenthood uses Federal dollars to fund its abortion services.

As many know, Planned Parenthood is the largest provider of abortion in the country, performing more than 264,000 abortions in 2005 alone. However, Planned Parenthood receives more than $336 million from the Federal Government each year. Planned Parenthood affiliates enjoy special access to discount drugs, grants through the title X program, and a 90 percent Federal Medicaid match for family planning activities. In effect, Congress is playing favorites by subsidizing the largest business in the abortion industry.

Now, lest there be any confusion, abortion is an ''industry'' in every sense of the word. Abortion providers rake in over $400 million a year from women and girls who believe that they are receiving a simple health service. However, to the tune of $372 per abortion on average, abortion-providing businesses are turning a major profit. For instance, while Planned Parenthood reports that it is a ''not-for-profit'' organization, it had an ''excess of revenue over expenses'' of almost $56 million in 2005 and $112 million in 2006. Remember, this is the same organization that receives over $336 million in government grants and contracts each year.

I find it outrageous that taxpayer dollars are subsidizing abortion in the United States. The absurdity of this abuse is illustrated by the long-standing Mexico City policy. Instituted by Ronald Reagan in 1984, this policy prohibits foreign aid from going to nongovernmental organizations which provide or promote services related to abortion. If we recognize the importance of prohibiting foreign abortion providers from receiving our taxpayer dollars, how can our domestic policy be any different?

I also adamantly oppose funding for an organization like Planned Parenthood that is alleged to have committed substantial fraud. The former vice president of finance and administration of the Los Angeles Planned Parenthood affiliate estimates that affiliates in California overcharged State and Federal Governments by $180 million, despite internal and external warnings that its billing practices were improper. If Planned Parenthood is able to abuse its government support by as much as $180 million in California alone, imagine the possible magnitude of its fraud nationwide.

The Federal Government clearly has a significant interest in identifying and recovering those excess payments. However, I believe that any funds that support abortion are ''excess payments.''

We in the Federal Government have no business providing money to help end a human life. As the Declaration of Independence makes clear, our Nation was founded on the idea that our Creator has endowed every person with ''certain unalienable Rights,'' the first of which is life. Now, 232 years after our predecessors signed that document in that First Continental Congress, now we have to ask, how is it possible that we in Congress are allowing the money of unsuspecting ordinary Americans to support businesses that specialize in terminating human life, when our Declaration of Independence recognizes that those are unalienable rights, the right to life?

We in Congress are charged by our Nation with the responsibility to ensure oversight of Federal funds, and it is abundantly clear that providing ''excess'' funds to abortion providers is not the proper use of taxpayer dollars. I call on my colleagues here in the House to end taxpayer subsidies of abortion by ending Federal support for Planned Parenthood. Let us thereby begin to restore the richness of spirit that Mother Teresa spoke about so eloquently.

Mr. SMITH of New Jersey. I thank my good friend for his very, very powerful statement.

I yield to the distinguished gentleman from Ohio (Mr. JORDAN).

Mr. JORDAN of Ohio. I thank the gentleman.

Madam Speaker, I rise to join my colleagues today in opposition to taxpayer funding of Planned Parenthood, and I particularly want to thank Congressman SMITH for his long-time leadership on this most important issue, as well as Mr. PENCE for his introduction of the legislation that will do just what we've been talking about this evening.

Let me just reiterate a few of the numbers that the gentlelady from Minnesota pointed out. Planned Parenthood had over $1 billion in revenue last year, $115 million in profit, $952 million in net assets. That's bad enough, I mean, that they're using our tax dollars to fund a practice that is wrong, that is immoral.

But add to it this fact—and I want to cite and the gentlelady did this as well—cite The Wall Street Journal article where Planned Parenthood talks about the fact that they're going to raise $10 million to fund their political action committee.

So to just put it into plain language, think about what's going on here in this practice. Planned Parenthood is using your tax dollars to raise more money to run against your candidate to elect someone who will give them more tax dollars. Stated even more simply, using your tax money to run against you and run against the candidates you want to support, those pro-life candidates. That's what they're doing. They want to keep electing people that will keep this process going forward.

This is just wrong, and it should stop. And the gentleman from Texas was so right when he talks about those pregnancy resource centers, those crisis pregnancy centers out there who are doing the bake sales. Our church, we help support one where they give each family a bottle and you fill it up with coins and you stuff a few dollars, raising money just any way they can to protect human life because they understand it's sacred. They understand it's precious. Contrast that with this practice that we see here that Planned Parenthood engages in, and frankly, contrast it with what the previous speaker just said.

The wisdom and the vision the Founders had when they started this place, when they started the greatest country in history, the Founding statement: ''We hold these Truths to be self-evident, 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.''

I think it's interesting to note the order the Founders placed the rights they chose to mention. Can you pursue happiness? Can you pursue your goals, your dreams, those things that have meaning and significance to you and your family if you first don't have liberty, if you first don't have freedom? And can you ever experience true liberty, true freedom, if government doesn't protect your most fundamental right, your right to life?

That's what this legislation is about. It's about protecting that most sacred, that most precious, that most fundamental right that the Founders understood was central to what we call this thing America. And that's why I'm pleased to support my colleagues in this legislation this evening. I appreciate the work of the gentlelady from Minnesota and, of course, Congressman SMITH and the entire Pro-Life Caucus.

Mr. SMITH of New Jersey. I thank my friend for his statement and for his leadership on this important human rights issue.

I yield to my good friend from Colorado (Mr. LAMBORN).

Mr. LAMBORN. Madam Speaker, I rise with my colleague, Representative CHRIS SMITH, and others to strongly oppose funding Planned Parenthood and other abortion providers with Federal taxpayer dollars.

Today, in America, in order for a minor girl to receive an aspirin at school, or to pierce her ears, or to get a tattoo, she must not only inform her parents, but they must give written permission or be there in person. Shouldn't mothers and fathers be involved in their daughter's decision about something as major as getting an abortion?

Abortion is a major surgical procedure. It is dangerous and wrong to cut parents out of this significant medical decision. Over half the States have realized the necessity of parental involvement in this life-changing decision and have passed laws requiring parental involvement.

In polls, 80 percent or more of Americans want parental involvement in a decision by their minor girl in getting an abortion.

Planned Parenthood and the abortion industry, however, seek to remove minors from the guidance of their parents. For example, Planned Parenthood illegally performed an abortion on a 14-year-old girl in Ohio without the knowledge or consent of her parents. As a result, this 14-year-old girl, a victim of statutory rape, had no guidance or support besides that of the abortionist and the 21-year-old boyfriend who had impregnated her.

Planned Parenthood is actively working against parental involvement laws. They recently worked with others to defeat a parental notification initiative in California which barely lost. They want to keep mothers and fathers in the dark, while their daughters undergo a life-changing event alone.

For these reasons, the Federal Government has absolutely no business funding Planned Parenthood and other abortion providers, especially not with our taxpayer dollars. Congress must pass H.R. 4133 which would prohibit Federal funding for these abortion providers.

I urge Members of Congress to think about their own daughters and ask, Wouldn't you want to be there with your daughter when she's faced with this life-changing decision?

Mr. SMITH of New Jersey. I thank my friend for his statement and for his leadership.

I yield to Mr. FRANKS, the gentleman from Arizona.

Mr. FRANKS of Arizona. Well, I thank the gentleman for his courageous and noble leadership on the part of the unborn for so long.

Madam Speaker, Planned Parenthood is the world's largest promoter and provider of abortion on demand for any reason or for no reason. With almost 900 clinics in this Nation alone, it is by far the largest abortion provider in America and accounts for one in five of all abortions performed in this country. But because this giant, billion dollar, death-dealing organization operates under the disguise of a ''family planning'' charity, it receives over $330 million of American taxpayers' money every single year.

Margaret Sanger, the founder of Planned Parenthood, has long since passed away, but the legacy of her work lives on, Madam Speaker. She once said, ''We don't want the word to go out that we want to exterminate the Negro population.''

Her insidious vision of a world where her ideal of the ''survival of the fittest'' is advanced through race-targeted abortions continues to thrive through the deliberate expansion of Planned Parenthood clinics in the high minority populations of this country.

Both the Alan Guttmacher Institute and the Centers for Disease Control have reported that a huge majority of abortion clinics are located in minority neighborhoods, and some experts estimate that number to be higher than 75 percent.

While African Americans represent approximately 13 percent of our population, more than 35 percent of abortions are performed on African Americans. In fact, more than one in three abortions performed by Planned Parenthood are performed on little African American babies.

Recent Internet postings reveal Planned Parenthood's willingness to accept donations specifically earmarked for the abortion of an African American baby. In other words, Madam Speaker, a willingness to accept money specifically designated to kill a baby for no other reason than that he or she was black.

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One hundred and fifty years ago, the infamous Dred Scott decision in the United States Supreme Court declared that the black man was not a person under the Constitution. That decision put the Supreme Court's legal imprimatur on a practice that had brutally enslaved more than 4 million innocent human beings from Africa. It took a horrible civil war to reverse that despicable decision. It also took the courage, and ultimately the life, of President Abraham Lincoln, who had guided America through those dark moments because he believed in a day that would one day come when the black man and the white man could walk together in the sunlight of human freedom.

And more than a century later, Dr. Martin Luther King stood on the steps of the memorial dedicated to President Lincoln and gave a speech that would forever change the course of history because it reminded America of her creed that all men are still created equal, and it helped Americans to finally begin, once and for all, to put away the evil of bigotry and prejudice against their fellow human beings of a different skin color. It was a great day, Madam Speaker. But only 10 years later our memories would wane again and another Supreme Court decision called Roe v. Wade, along with the help of Planned Parenthood, precipitated the murder of more than 12 million African American babies.

Madam Speaker, every victory gained in the battle to defeat slavery, every accomplishment that came through the civil rights movement is being completely overshadowed by this unspeakable tragedy.

It is time that Americans stood up together again and remembered that we are the same America that rejected human slavery and worked to overturn decisions by our own courts, whether in the Dred Scott decision of 1857 or the Jim Crow laws that continued through the 1960s. And we are still courageous and compassionate enough to stop the funding of a bigoted organization like Planned Parenthood.

Madam Speaker, it has been said that a government is what it spends. For this government to continue to appropriate one more penny of the American taxpayers' money to an organization that kills unborn children on the basis of race or for any other reprehensible reason is a disgrace that undermines the core essence of America and betrays everything that our soldiers lying out in Arlington National Cemetery died to preserve.

Mr. SMITH of New Jersey. I thank my friend for his eloquent statement and for his very strong and passionate defense of the unborn and their mothers.

I yield to Dr. BROUN, the gentleman from Georgia.

Mr. BROUN of Georgia. I thank my friend for yielding. And I appreciate the comments that my colleague, Congressman FRANKS, made.

I served on a board of directors for a crisis pregnancy center in the inner city of Atlanta. We were geared towards trying to save babies of African American moms in the inner city of Atlanta.

I'm a medical doctor. And the whole crux of this discussion comes to the decision of when life begins. I introduced the Sanctity of Human Life Act of 2007 that defines scientifically that life begins at fertilization. And it's described when the cell of the spermatozoa enters the cell wall of the ova site and forms a one-celled human being called a zygote. And my bill gives the right of personhood to that one-celled human being, whether they're black or white or any people group.

And I know, as a medical doctor, that that's when life begins. And we have to save life. If a Nation will not protect the most innocent of human beings, what will it protect? And we are killing 4,000 babies every day, black and white. There are more black babies being killed than there are white babies proportionally, and that's the reason why

I was on that board of directors for many years. And thankfully, we have it open and we're serving the inner city of Atlanta right now with that crisis pregnancy center.

But we've got to stop the killing of these children, black and white, of all colors, because God cannot continue to bless America while we're killing 4,000 babies every day and while we're funding an organization like Planned Parenthood. We have to stop the funding of that organization. And I just encourage all my colleagues of this House to understand that life begins at fertilization, and we've got to stop the killing as a Nation.

Mr. SMITH of New Jersey. Dr. BROUN, thank you so much for those very strong comments and for the insights that you bring as a medical doctor.

I yield 30 seconds to my friend and colleague, MICHELE BACHMANN.

Mrs. BACHMANN. I just wanted to end, Madam Speaker, by saying Steve Trombly is a top executive director of Planned Parenthood in Illinois, and he said, ''I would like to think of Planned Parenthood as the Lens Crafters of family planning.'' If you've got 882 clinics, you have $1 billion a year in annual revenue and $330 million of that comes from taxpayer funding, I think that shows pretty clearly they are big business. They are the Wal-Mart of big abortion. They're the big box retailer.

It is time to end their tax exempt status. It's a fraud. And it's time to stop the public financing of Planned Parenthood. It's the right thing to do.

I yield back to my friend, the gentleman from New Jersey, the stalwart of prolife, Representative CHRIS SMITH.

Mr. SMITH of New Jersey. Madam Speaker, let me conclude with just a couple of comments.

First of all, I think most people need to realize who Margaret Sanger really was. And I've read her books; I've read her writings. She wrote in a book called ''The Pivot of Civilization'' that ''we are paying for,'' and I quote her, ''and even submitting to the dictates of an ever-increasing, unceasingly spawning class of human beings who should never have been born at all.'' In chapter five, she has a chapter called the ''Cruelty of Charity'' and takes to task those who would provide maternal health care and outreach to those women, poor women especially, in her writings. And I will put them in the RECORD. She says that ''such benevolence is not merely superficial and near-sighted, it conceals a stupid charity.'' To her, these babies and these mothers should have never been born.

Let me conclude, Madam Speaker, abortion mills don't nurture, they don't heal, they don't cure disease. Abortion is violence against children. Some abortion methods dismember and rip apart, the fragile bodies of children. Other methods chemically poison children. Abortion has turned children's bodies into burned corpses, a direct result of the caustic effect of poisoning. Consider a dismemberment abortion, this is called the D&E abortion. It is used later term, at least from the 20th week or so onward. These children, Madam Speaker, feel pain.

My colleagues will remember that last Congress we brought forward a bill called the Unborn Child Pain Awareness Act which would at least inform the woman that a child at this age feels excruciating pain. Sadly, the abortion lobby, including Planned Parenthood, lobbied vigorously against informing women that these children feel such excruciating pain, sometimes as much as four times that which would be felt by a newborn or a child later in his or her life.

We need to, again, Madam Speaker, respect all human life. In the life of an unborn child, birth is just part of a process. It's an event in a child's life; it is not the beginning of life. These children deserve their fundamental human rights.

THE 30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Ms. RICHARDSON). 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. Madam Speaker, it is always an honor to come before the House and address the Members.

I can tell you that today, in this great country of ours, we have a lot going on. There is a lot of news on the Presidential race. There are a lot of issues that are facing our Nation with Iran testing missiles. And there are a number of issues that American families are also facing.

We're going to talk a little bit tonight about energy. We're going to talk about the Iraq factor. We're going to talk about the things that American families are going through right now. And I think it's very, very important because many people feel that there are issues that are not being addressed here in Washington, DC as it relates to the executive branch. And I think that it's important that we share with the Members that we have a number of issues that this Democratic-led House has put forth on behalf of the American people in a leadership role.

As you know, in the 30-Something Working Group, we always start our hour off—and I'm joined tonight by my very good friend, Mr. JASON ALTMIRE, and also Mr. RYAN, TIM RYAN, on this 30-Something Working Group. And you know we come to the floor, Madam Speaker, to actually speak in what you may say the arena of fact versus fiction. We know that sometimes we get a little excited and we may not have the necessary footnotes we need to back up the information that we are providing, but tonight we did come to the floor to share with the American people fact, not fiction.

I think that, when we start to reflect, Madam Speaker, on a number of issues that are facing Americans, we have to look at the everlasting issue of fuel costs, for someone to fill up their car, for someone to do something that we may call very common, being able to put gas in their car to be able to take their children to school, to be able to make it to their jobs. And I think that as we look at this issue we need to know who is on the side of the American people. When I say ''we,'' I'm saying Members of Congress.

I'm hoping that my colleagues on the other side of the aisle, my Republican colleagues who have joined us on a number of major pieces of legislation that we passed out of this Congress that has gone to the President, I want to applaud those Members for being a part of this great democracy and this great leadership that we have here in the House, to be able to bring about the paradigm shift of bipartisanship. We have not seen bipartisanship in the 109th Congress, 108th Congress. I can attest to that because I was here for those two Congresses. The 110th Congress has brought about bipartisanship on major pieces of legislation that I will talk about a little further later on, but I just want to mention a few things.

Madam Speaker, I always start off by giving what is going on in Iraq. The $8.5 billion war that's taking place right now in Iraq, some over $230-something million a day war. And I had the opportunity, Madam Speaker—and I don't want to digress—to speak to some first responders from New Jersey. They are from New Jersey, and Representative RUSH Holt asked me to speak to his first responders. As you know, Madam Speaker, I was, once upon a time, a first responder as a Florida Highway Patrol trooper. And we talked about funding, and they were talking about the grants. And there was a grant here for, you know, $50 million or a grant there for equipment for fire fighters and State troopers and sheriffs, $70 million.

But when I started talking to them about the $230 plus million a day that's being spent in Iraq, you should have seen their eyes opening wide. We all believe in making sure that we give our men and women what they need in Iraq; and we do that, this Congress has done it. But I think that when you start looking at the policy, when you start looking at how this administration has not put the Iraqi Government's feet to the fire to let them know that we have homefront security and hometown security needs to be addressed, they will never see the kinds of dollars that we're spending there.

I also want to share the numbers with you. The total deaths in Iraq is 4,117 as of July 9; total number of wounded and returned to duty is 16,866; and the total number of wounded not returning to duty is 13,483. I think we have to look at that in perspective.

I want to yield to my good friend, Mr. ALTMIRE, at this time as we talk a little bit about a number of issues that

are facing the American people. Like I said, we're going to talk about fuel, we're going to talk about dining room table issues. So we're going to bounce around a little bit tonight, Madam Speaker and Members. And hopefully we will be able to share with the Members exactly what they need to know versus what some on the other side may not want to hear, because we're going to need this bipartisanship to push it through, to send the President a message that the American people have to be heard.

With that, I yield to my friend, Mr. ALTMIRE.

Mr. ALTMIRE. I thank the gentleman from Florida.

And on the subject of Iraq, before we move on to some other things, I did want to discuss a little bit the fact that the Iraqi Government this week announced that they support the creation of a formal timeline, a date certain at which the American involvement in Iraq would wind to a close.

And I think that that's a monumental moment in what we're facing in Iraq because we have, for years now, going on 6 years, been engaged in this conflict in Iraq. And the military men and women, the brave service men and women who serve us over there throughout this conflict have done their job, they have done everything that has been asked of them. We could not ask any more from the men and women, they have done what they were called to do. And that's something that every American can see in the results on the ground. And now, thankfully, the Iraqi Government themselves have recognized that that is the case by announcing their intention to ask the United States for a formal date certain at which point we would wrap up our involvement.

□ 2100

So I find that to be good news. Moving forward, we need to go to the Iraqi Government and say, look, this is your country and we cannot continue to hold your hand and run your affairs for you. It's time for you to step up and administer your own government, administer the affairs of state, and take the reins of power. And I think that by the statements that we heard today, the Iraqi people and the politicians in Baghdad have seen the light on that issue, and I feel like we are moving towards resolution and agreement that it is time to wrap up our involvement in Iraq.

And I would yield to my friend from Ohio if he wants to continue on that, Mr. RYAN.

Mr. RYAN of Ohio. I appreciate that. And it is time to wrap it up. And I think as we were home over the July 4th break and as we were meeting with our constituents and going to parades and getting out and about and reconnecting with our district, one of the issues we heard, obviously, is gas but also just the squeeze that families are feeling now. And one of the reasons we need to get Iraq wrapped up and get our troops back home is because it is costing us $12 billion a month in Iraq. And if we continue to go down this road with supplementals of $180 billion and continuing to go down that road, those are investments that we can't make here in the United States.

And I think a lot of people would say, Mr. MEEK, that we have got to make investments back here in the United States of America so that we can build roads and bridges here in the United States as opposed to roads and bridges in Iraq. And that's one of the key issues here.

I know the gentleman from Connecticut wants to say a few words. But I think it's important for us to realize there is a direct connection between what we are doing in Iraq and what we are unable to do because of the budget.

One of the issues that we're talking about too is what has happened to our budget here in the United States. And just a few short years ago in 2000, January of 2001, we had a $5.6 trillion surplus, and after President Bush got sworn in up until today, we have a $3.2 trillion deficit. That's an $8.8 trillion swing, and that is part of the reason we have a weak dollar, and that is part of the reason that oil is so expensive. So we've got to get our house in order here.

So we talk about the war in Iraq and about how we need to finish it and honor our troops and support our veterans and make sure we have health care and whatnot, but we have got to balance the budget here in the United States and make those investments here, put people to work here in the United States building roads, bridges, infrastructure, water lines, sewer lines, septic tanks, broadband.

I yield to my friend from Connecticut.

Mr. MURPHY of Connecticut. I thank my friend from Ohio. And I think it's important to point out that a lot has changed here in the last 1½ years. I mean the numbers that you show are pretty startling, moving from about $5.6 trillion on the plus side to now $3.2 trillion in deficit. And the fact is that we got a mandate when the Democrats were elected to control this House and to control it by a slimmer margin in the Senate. We had a mandate to get our fiscal ship in order. The days of not paying for anything had to end for a number of reasons, not the least of which is the reason that you're talking about, the fact that the amount of money that we are borrowing from foreign banks has contributed to the devaluing of the dollar. And that means everything that we import into this country becomes more expensive, not the least of which are the millions of barrels of oil that come into this country.

So what do we do about it? Well, we did something. We passed a rule in this House that is a rule that most families and every business out there lives by every day. We said, listen, when legislation comes before this House that spends money, we're not going to pass it unless in that legislation we account for how we're going to pay for it. When a piece of legislation that comes before this House wants to cut somebody's taxes, we're not going to pass it unless within that piece of legislation we account for how we're going to pay for that tax cut. And we call it the ''pay-as-you-go'' rule, which is how my family grew up, how most American families live their lives. They don't spend money that they don't have. And it's so ridiculously simple that it's mind blowing to a certain extent that it took a change in leadership in the this House to actually put that into practice, but it has changed things. We're starting to get that deficit that you talk about, Mr. RYAN, under control.

Now, it means that this Congress can't spend money as wildly as it did under the Republicans. It means that we have got to be a little bit more careful about whom we give tax cuts to and make sure that when we do it, we give it to the right people. But in the end it makes for a better policy and it starts to get that fiscal mess that you talk about under control.

And there are so many ripple effects of that good policy, Mr. RYAN and Mr. MEEK, that's not just about making sure that we don't pass along the costs of this deficit to our kids and our grandkids and their kids. This is also about restoring some balance of trade so that we are not basically asking the rest of the world to pay for our debts, and in the end, do something about the dollar that as much as anything else is responsible for the high prices we're paying at the pump, Mr. RYAN.

Mr. RYAN of Ohio. If the gentleman would yield, if you think about the amount of money that we have spent in Iraq, that we are going to go and fix the Middle East and make it different and the money that it costs, almost $1 trillion that we have spent there already and the projection of $3 trillion when you start talking about taking care of all the vets that are going to come back with traumatic brain injury, amputees. When you factor that cost in, Joe Stiglitz, the Nobel winning economist, says $3 trillion it's going to cost.

And I think it's important for the American people to realize that if we had made different decisions early on in this decade that those billions and billions and billions of dollars could have been invested into alternative energy sources, could have been invested into loan guarantees for nuclear plants, could have been invested in coal to liquid or whatever. Pick your issue.

I yield to my friend.

Mr. ALTMIRE. I thank the gentleman. This is exactly what we need to talk about tonight. You have the chart there. The gentleman has the chart talking about turning a projected 10-year surplus—when President Bush put his hand on the Bible and took the oath of office, the projected surplus over the next 10 years was $5.5 trillion.

Now we're in a presidential election year. Mr. MEEK referenced it earlier. Let's think back 8 years. Vice President Gore was running against then Governor Bush. What was the debate about? The debate was about what are we going to do with this enormous surplus? That was the whole thing. Remember Vice President Gore had his lockbox idea. Are we going to shore up Social Security? Are we going to pay down the debt? And with that $5.6 trillion surplus, we could have nearly paid off the entire Federal debt by now, 8 years later. We would have it almost completely paid off. Instead, because of the decisions that have been made by this administration and previous Congresses, we have a $10 trillion debt. So instead of having it paid off, it's at its highest level in history, nearly $10 trillion.

We could have, as the gentleman suggests, invested in alternative energies and research and development on alternative sources of energy. We didn't do that. We could have done any number of things with a projected $5.5 trillion surplus.

Well, instead, because of the economic policies of this administration, we have not had that $5.5 trillion to the good; we've had $3.5 trillion in debt. And I would suggest, and we have talked about this before, if you had said to any economist in America, no matter what their political persuasion, in the beginning of this administration, what would it take over the next 8 years for us to have a $9 trillion swing in the projected surplus to the deficit that we would then encounter? What would it take? What type of economic policies would we have to put forward? Any economist you asked would have said, well, that's impossible. You can't possibly mismanage the economy to such an extent that that would be the result, a $9 trillion swing. Well, unfortunately, this administration and the previous Congresses did the impossible, and we are faced with the situation that we are.

Now, pay-as-you-go budget scoring, as Mr. MURPHY talked about, is not the only answer, but it's definitely a step in the right direction. And it was President Bush's father, President George H. W. Bush, in 1990 that came to the agreement with Congress to put in place the pay-as-you-go budget scoring that led to the record surpluses of the 1990s following the all-time record deficits to that point of the 1980s.

So this Congress has taken a step to put our fiscal house in order. We can't dig ourselves out overnight. But all of this has led to the decrease in the value of the dollar. And the decrease in the value of the dollar, anyone would agree, is one of the major factors involved in the price of gas today, the price of petroleum in the worldwide market. And we're going to talk about that tonight.

I yield to my friend from Florida (Mr. MEEK).

Mr. MEEK of Florida. Thank you so very much.

Florida is front and center in the solution on the Republican side of the whole oil crisis issue. And we started talking about deficit spending. We started talking about what is happening to the American family, and I think that it's very important.

I heard you, Mr. RYAN and Mr. ALTMIRE, say something earlier about the folks in Iraq taking the responsibility. They are now calling for a timeline. It's interesting that the administration is not calling for a timeline.

And I think it's important, Madam Speaker, when we look at $8.5 billion a month, that's not anything to look away from. That's a lot of money. And I can tell you that there's a number of folks that would like to see that kind of money invested here in the United States.

Let me just mention one thing. The Speaker a few days ago wrote a letter to the President. Two months ago she asked for oil to be taken out of the Strategic Petroleum Reserve that we have here. This letter is, I believe, on speaker.gov, which is on Speaker NANCY PELOSI's Web site. It asks the President to dip into the oil reserves, that we have over 90 days of reserve that's in these oil reserves.

This has been done before. This is not what you may call a new idea. This is not a radical idea. It's been done by not only the first President Bush, his father, but also by President Clinton and by this President during Katrina.

I just want to take a couple of excerpts from this letter. It says: ''Two months ago, after initially opposing our proposal to suspend the government's purchase of high-priced oil from the Strategic Oil Reserve, you signed the bipartisan legislation into law.''

A couple of paragraphs down, it talks about the fact that oil was $30 per barrel when his administration took office and now has hit $150 per barrel. And I think it's important for us to look at the $1.47 average when he came into office and the $4.11 per gallon.

In 1990, 1991 Desert Shield, Desert Storm, when George H. W. Bush the first drew down from the Strategic Petroleum Reserve on January 17, 1991, it actually bought oil prices down per barrel $8. In 2000, in the face of high energy prices, the oil prices, President Clinton signed an executive order authorizing a withdrawal of 30 million barrels that were released from the Strategic Petroleum Reserve that actually brought the price per barrel down from $30.94 to $20.38, which is a 37 percent decrease. And this is backed up by the Select Committee on Energy Independence and Global Warming of April 24, 2008.

Then we look at Hurricane Katrina. President Bush has done this before. Hurricane Katrina in 2005, because the Gulf States were hit, the administration offered 30 million gallons from the Strategic Oil Reserve that actually brought down the price per barrel by $5.

Why do I mention what has happened in the past, which should happen here in the present? The real issue is it's 97 percent full at this particular time, well beyond the International Energy Program as it relates to the 90-day reserve stock that should be there. When the President makes a decision, in 13 days, you will see oil prices go down. Why is this important, Madam Speaker and Members? This is very important because the American people are having to make a choice. If they're going to drive to work or they're going to drive their children to school, especially in rural America and even in urban America, they are having to make those decisions.

□ 2115

There were families that had to make the decision if they were going to see their family members or go to the family reunion this last July 4th, which is one of the most celebrated holidays in our country, which is our independence. They could not make that decision to drive because of the price of oil. We have companies that are laying off workers as we stand here today because of the issue of oil per barrel.

I talked to Chairman OBERSTAR. We took the opportunity to do it. Mr. RYAN and I were in a meeting today. Chairman OBERSTAR stated the following, the chairman of the Transportation Committee: A $10 drop in the price per barrel of oil will result in a savings of $420 million per year to Northwest Airlines. It also would mean a savings of $840 million for United Airlines. It would also mean a savings of $900 million per year for American Airlines.

What does that mean? That means that the American people will not be nickel-and-dimed as we are now as they travel throughout this country.

Mr. RYAN of Ohio. Will the gentleman yield?

Mr. MEEK of Florida. I yield to Mr. RYAN.

Mr. RYAN of Ohio. I just want to make the point that I was there with you, talking to the chairman of the Transportation Committee, and the point is it's not just airline fares, it's not just reducing from $4 a gallon down because of the millions of gallons that we could just take out of the oil reserve that is just sitting here in our country, and there are several of them. Just take the oil out.

Everyone's talking about drilling. Take the oil out of where it is right now. Just turn the spigot on. Just turn that spigot on and let that oil flow.

My point is that when you do this, it's going to have an effect because the airline companies are laying people off, just today in Toledo, and all over the country.

So this is about making sure that we have jobs in the country. Airline pilots, machinists. The whole nine yards. So I wanted to put a little texture into that argument, a little context in that argument, support it even more to talk about jobs here in American.

Mr. MEEK of Florida. Mr. RYAN, there's nothing wrong with texture or context.

Mr. RYAN of Ohio. I yield back.

Mr. MEEK of Florida. Thank you, sir. I think it's important as we look at this, Madam Speaker, and we say small businesses are the backbone of our economy. I mean, we are just hearing about the big players here; the airlines, those that are publicly trade. What about the small business of 25 to 100 people? Do you think they are laying off people? They are laying off people because they can't afford it.

I am not a Member of Congress with a conspiracy theory, but I can't help but pay attention to this board here. So many Americans appreciate the fact when Saddam Hussein's statue was taken down and we are going to liberate the Iraqi people and all, but there are some other people who had some other interests and some other things in mind. A few companies are making record profit, just breaking records as it relates to profits.

Meanwhile, back at the ranch or back at the dining room table, folks are having to park their vehicles because they can no longer afford to be able to pay for the necessity of being able to use their own vehicle. I mean the cost of living in the United States has gone up in some households some $200 to $300.

What we do here, Mr. MURPHY, we are here to represent the American people. So we have to make sure that we do exactly just that.

Here's another chart. I had some of my friends come to the floor on the other side of the aisle saying, You know what we need to do? Great idea. Let's drill more. Let's make sure that we have more opportunities for oil companies to find the kind of energy that we need. That is that old school kind of Beta thinking, VHS thinking. Just the other day I was with my wife, looking around. We had to find something to turn it to DVD or whatever the case may be.

If you want to think in the old sense of things, you can. But here are the facts. Acres leased, and this is in the millions, 9.5 million acres that have been leased. When you look at the acres that are producing, 23.7. So what we have here is a full plate that the oil industry has to look for oil or whatever the case may be. They are not even taking advantage of the leases that have already been given. But, better yet, they want more.

Now, what the Speaker is talking about and the Democrats are talking about, let's go in, let's bring this price down. Let's let the oil cartels know that we mean business. And we also responded as it relates to legislation looking at alternative fuel.

The last point that I want to make and then I'm going to turn it over to my good friend here. Let's talk about what is happening out there.

If you're lucky enough to have a 2008 Pontiac Grand Prix, the cost to fill that up is $62.73. That is every time it ends up on E. The annual cost is $2,927. If you're lucky enough to have a Honda Accord, the cost to fill that up is $58.26. Annual cost, $2,565. Not even talking about what you have to do as relates to preventive maintenance.

If you have an opportunity to have a 2008—all these numbers I am talking about here, like I said, Madam Speaker, we don't talk fiction, we don't embellish numbers, we don't leave any like gray area out there for folks to say, Well, maybe he might have meant that, or maybe the 30-Something, maybe they were making another point. We want to make sure that you're able to go on fueleconomy.gov and you can get these numbers that I am stating right here on the floor right now, right here.

If you're lucky enough to have a 2008 Chevy Impala, $62.73; $2,798. Chevy Suburban. Many small businesses use these vehicles. A 2008, $124, and $4,391 to fill it up per year. We are not even talking about preventive maintenance.

Ford Escape, $60.88; $2,927. You also have your Ford Escape Hybrid, which is $55.35; $2,096 that is being spent, plus you get your $3,000 tax credit when you get this hybrid.

Let's just talk about what is happening in rural America, in many places in rural America, and small businesses. Ford F–10 pickup truck, $113.83. That is to fill it up; $4,391. It goes on and on with this Web site. This is based on the national average, which is $4.10.

This is what is happening right now. They don't want to hear what the Republican side is talking about, Madam Speaker, as it relates to if we were to give more leases and we were to start drilling off the coast of Florida that we have never considered—well, we never really considered before. We wanted to do it, but we couldn't do it. But now folks are in a crisis now. Here's our solution.

Well, that is not a good solution because you have all of these leases that are out there. It's almost like the oil companies, back in 2001 when they had this great meeting in DICK CHENEY's office and started talking about how we are going to deal with energy policy, came up with this situation.

We have seen oil and the price of gas go from $1-something to now $4.10. It seems to work. The Bush administration is there. I think it's kind of like the last call for you know what to say that, Hey, let's get these leases while we can because we have Democrats here in the Congress that is talking about alternative fuel, that is talking about bringing the gas prices down now, not later, and have a real strategy as it relates to dealing with these oil cartels with penalties and allowing our regulation agencies here to regulate these folks from price gouging the American people.

Who's standing in the middle of the door? When they say stand in the schoolhouse door, who's standing there? The administration is standing there, saying that it's not just and it's not fair.

I have got a problem with that. I don't think my constituents sent me here to Congress to sit idly by and watch this happen. I am so glad, my colleagues here, that we have acted on this. I am not so happy that the President has not acted on it. I am not so happy that there's not outrage as it relates to his inaction for not dealing with these issues.

So Members can come to the floor and start talking about fiction and carrying on and embellishing. I'm not saying that. I am just saying some folks can come and start painting big pictures with broad brush or whatever the case may be. But I think it's important that we bring these issues to the forefront.

I don't have a problem with the oil companies that are on this chart here. I am not upset with them. They are just taking advantage of the situation that they have. Use it or lose it. They are taking advantage of it. We are going to ride this thing as long as we can ride it. I tell you, the American people have a say, and come this November, there's going to be a different day.

Last point. I am just going to make a last point and have a seat. I am going to let my colleagues share a little bit with us.

I remember in the day when Mr. RYAN and I, some two Congresses ago, used to say, If we have the opportunity to lead, that we will lead in a way that the American people would like for us to lead, not as Democrats would like for us to lead, not as independents, or not as Republicans, but as the American people would like for us to lead; how future generations would like for us to lead as relates to dealing with global warming, as it relates to investing in the Midwest versus the Middle East so that we can create green jobs. To put the American people to work, not other folks to work. And we have responded to that call.

In politics, you don't see that. You don't see people. The Speaker said what we are going to do. We are doing it. The President is not doing it. The Vice President is not doing it. I can tell you right now, we need this paradigm shift to happen now.

We said that there will be Members of this House that will be watching us here on this floor at home, not because they are retired, not because they thought someone else needed a chance to lead, but because the American people no longer tolerate it. That actually happened.

So I think come this November, the American people are going to rise up and they are going to say, Listen, I did not send you to Washington, D.C. to represent the special interests and to represent big oil to make record profits. I sent to you Washington, D.C. to make life better for me and my children.

So I want to thank my colleagues here for allowing me to make that point. I know that we have some other things to share as relates to this subject, so I will yield to my good friend from Connecticut.

Mr. MURPHY of Connecticut. I thank you, Mr. MEEK. I appreciate the point.

You talked about record profits. Let's talk about some meat on the bones here. A 311 percent increase in profits for the oil industry from 2002 to 2007. It may just be a coincidence that that time about correlates with the moment that they started sitting in those secret meetings, Mr. MEEK, in Vice President CHENEY's office to negotiate this new energy policy into the Bush administration. But I don't think it's a coincidence.

I think you can directly correlate the moment at which the oil companies started seeing this 311 percent increase in profits begin with the moment at which they were let in the door to start writing America's energy policy. Because that is what happened.

We put two oil men in the White House, in President and the Vice President seat, and we got, as a result of it, the highest gas prices in the history of this Nation, a 300 percent increase in the profits to their friends in the oil industry, and families having to make decisions about whether they feed their kids or whether they fill up their gas tank to get to work the next day.

That is not coincidence. That is not chance. That is the result of putting two people in charge of this administration that made their fortune in the oil industry and who have friends that they have allowed into the room to write the very legislation that has led to the situation that we are in today. It's not just conjecture.

Let's take a look just in the last year and a half at what we have been doing here and who's been standing in the way. This is probably not readable to the Speaker and to our colleagues here, but can you get the picture here.

The Renewable Energy and Jobs Act that we passed just a few months ago, investing millions of dollars into renewal energy that would actually compete with the oil industry, would make us energy independent, as we talk about all the time. Veto threat in the President of the United States. The Gas Price Relief for Consumers Act that held OPEC and the oil companies accountable for price fixing; for getting together and trying to decide what the price of oil should be. The President once again threatens to veto it.

Commonsense legislation. Repealing the subsidies, the tax subsidies that that energy bill that the oil industry wrote, repealing those tax subsidies and instead, this just seems like common sense, turning those subsidies that the Republicans and the President were giving to the oil industry, instead give them to consumers and small businesses and people who want to invest in things and energy technology in their homes to get them off of oil. Another veto threat from the President.

Cracking down on price gouging. Fifty-six Republicans joining us on that bill. Veto threat from the President. Again, a second bill, this time with 125 Republicans supporting the measure.

□ 2130

This measure was to go after the OPEC countries and oil cartels for price fixing. Another veto threat by the President. Over and over again.

This Congress in the last year-and-a-half has been doing what we were sent here to do, represent and stick up for all of those middle-class families out there that are getting it stuck to them at the pumps. The way we say that we can do that best is to go right at the people who are getting rich off of these exorbitant oil prices, those oil companies. And every time that we have done it, virtually every time we have done it, we have had a President standing in the way. It continues.

We just find out the other day, Mr. MEEK, that this administration has been helping the oil companies negotiate no-bid contracts to get their newly found oil out of the fields in Iraq.

Mr. MEEK of Florida. Say it ain't so.

Mr. MURPHY of Connecticut. It is so, Mr. MEEK. It is so. Because this is just going to go on and on and on. So long as we continue to have the same people in charge of the White House and the administration's energy policy, we are going to continue to see these record profits for the oil industry and see a neglect on behalf of the administration to come to this Congress and work with the Democrats who are trying to turn this whole thing around.

Mr. MEEK of Florida. You know, Mr. RYAN, the real issue here is executive power, okay? We live in this democracy, but we have executive power as it relates to being able to deal with these issues. And I am so glad you are reading off the list of not only the CONGRESSIONAL RECORD, but congressional action on doing what we said we would do.

We had a plan, Six in 06. We have done all of that. We talked about the issue that is facing America, the American people, as it relates to energy costs. When I read off those airline issues, I am not talking about profits for those airlines. I am talking about the fact when you go to book a flight now, to even check a bag, you have to not only spend the money that you spent on booking the flight, but then now you have to pay sometimes $15, $30, $100 per bag. The next thing you know, they are going to have a little card swipe on the restroom in the bathroom. I am not trying to sensationalize anything. That is just where we are now. A little bag of peanuts you used to get on the plane, folks are saying that is now $5.50. You want something to drink?

So when you look at these issues, these are real issues. It is something, Madam Speaker, we have to deal with. It is not only dealing with the American families, but it is also dealing with American business, the backbone, small business, the backbone of our economy. When we start dealing with our economy, we have to really look at these issues for what they are worth. I am hoping we can get more of our colleagues from the Republican side to join us.

Mr. RYAN, I know you have something to add to this.

Mr. RYAN of Ohio. I think it is important. Here is the history. Not just the short-term history, kind of what the gentleman from Connecticut Mr. MURPHY just went over, but that long history. We have been since we got in trying to push legislation on every single issue that is going to help middle-class families in the United States of America.

We raised the minimum wage for the first time since 1997. The new increase will go here in just a few more weeks. On July 24th there will be another minimum wage increase for those people earning the minimum wage. Some people have two minimum wage jobs, who will get another $28 a week, which isn't a lot, but with high gas prices it is a lot more than what would have happened if the Democrats were not here.

If you look at the investments we made in biofuels already through the farm bill and the alternative energy that Mr. MURPHY already mentioned, some economists are saying this is keeping gas down 50 cents a gallon more now because of the biofuel blends that are coming in.

If you look at what just happened last week when you would take your kid or a student was going to try to take out a loan to go to school, and the interest rate was 6 percent instead of 6.8 percent, that is because the Democrats are in Congress and pushed that bill. That did not happen when the Republicans were in charge here.

Madam Speaker, we did that. Democrats did that. So when you are talking about who is on the side of the person going to the pump at $4 gas, it is the Democrats. We are against the oil companies. We are against President Bush. And if you look at the last 8 years, who would you rather have fixing the problem? President Bush and Dick Cheney and the oil companies, or the Democrats, who increased the minimum wage, invested in alternative energy, and made the kind of commitments on student loans and education that we have made. There is a clear difference here.

And here is all the land that the oil companies have to drill on: 102 percent of Colorado, 130 percent of Kansas, twice the size of Illinois, 2½ times the State of Ohio. Go drill. Go drill now. You have the leases. You have picked out the land yourself. Go and drill it. But, no, you want to go up to ANWR and drill, a small little piece. All we are saying is you have the leases. We are talking about 20 years down the

line. Even if you started drilling here in ANWR or anywhere else, 20 years. Speaker PELOSI is saying, take it out of the oil reserve that we have right now, and the President is saying no.

So do you want to get oil into the market now, Madam Speaker, or not? It is pretty clear. There are people in our communities that are hurting, and we have a short-term plan and a medium plan and a long-range plan that is being fought tooth and nail by the oil companies.

Mr. MURPHY of Connecticut. It is completely consistent though, because when the Bush administration came into office and they wanted an energy policy, they knew who to turn to, right? They went for answers to their friends in the oil industry. So, today, when people are hurting at the pumps and they are looking for answers, who does the Bush administration and who do the Republicans look to for answers? They ask their friends in the oil industry. And guess what their answer is? The way out of this is to give us access to the tiny little chunk of territory that we haven't gotten yet. It is going to take 20 years to get anything out of it, but our answer to your immediate problem is to give us access to territory that will get a tiny additional bit of oil in 20 years from now. And people bought it.

Mr. RYAN of Ohio. And save 5 cents a gallon. This is about people that sent us down here to make mature, responsible decisions, not the issue de jour, what is going to rattle will public. We have got a responsibility.

We only have a couple of percent of the whole reserves in the world, and we consume 25 percent of the daily energy in the world. And for us to come here and say if we just drill, which we are saying, go ahead and drill. That is fine. Drill now. Here is all the places, 6 million acres you have. Go ahead and do what you have to do and make your money. But we are going in another direction, because we are not going to rely on imported oil from the Middle East to solve this problem. We are going to rely on the Midwest and the ingenuity in the country.

Mr. MEEK of Florida. Mr. RYAN, as we close we are going to do this little lightning round here. We are going to yield back and move from there. So we will just kind of roll around in rotation.

Mr. ALTMIRE has been standing by here very patiently. It is very interesting. I guess it is just the Pittsburgh spirit.

Mr. ALTMIRE. I thank the gentleman. I was going to comment on the fact that there is a slogan that you see rolling around these halls, and it is ''drill here, drill now.'' You hear it everywhere we go, drill hear, drill now.

Well, how could we accomplish that goal? Because the Democrats want to drill here and they want to drill now. The way we drill here and the way we drill now is by using the 6 million acres that are already leased and permitted and available for drilling. We need to be doing that now. They are ready to go.

Now, there is exploration that needs to take place, I understand that. But the territory that has not been leased and permitted is 10 years away before the first drop of oil comes out, and it is 20 years, 20 years, before it is fully on line at peak capacity. That is not drilling now. So I would suggest to those who want to pursue that policy, maybe they ought to change their slogan. Just to be more accurate, it should be ''drill here, drill in 10 years or 20 years,'' because that is what they are talking about.

What we are talking about is using the land, the territory, the parts of the Outer Continental Shelf, 75 percent of which is leased and permitted, allowed to drill, and they are not drilling. The oil companies who have the land leased and ready to go on the Outer Continental Shelf are using a quarter of it, 25 percent.

So you will hear people say, well, there is no oil there. Well, that is factually incorrect. Eighty percent of the known oil in the Outer Continental Shelf is located in areas where the oil companies are already allowed to drill. It is already leased. It is already permitted. It is already ready to go. Go to it. Drill here, drill now. That is what we are talking about. Have at it. We want you to do that, big oil. Do it.

Now, if you want to talk about drilling here in 10 years and drilling here in 20 years, that is a different ball game, and we can have that discussion after they have used the land and territory already available.

Mr. RYAN of Ohio. One of the provisions for taking this right out of the Strategic Petroleum Reserve and pumping it into the market is it stays in the United States market. What they are drilling now, wherever they are drilling, doesn't necessarily mean the oil they are taking out is staying here in the United States, all of it. So there are a lot of issues here that we need to deal with.

But, Mr. MEEK, I just want to get nostalgic for 30 seconds with you, if I could, before we close up. I remember four or five years ago when the whole 30–Something Group started and we started on the issue of Social Security privatization accounts. Congressman MEEK and I started coming down here on that issue. Then-Minority Leader PELOSI asked us to come down here, and we got into the nuts and bolts of the privatization accounts. And it was 60–40 people in our generation were for it, until we got into the nuts and bolts.

We began to explain night in and night out on this floor, and throughout the country Members would go home and started to talk about Social Security privatization, putting this social insurance program in jeopardy, and we ended up killing the President's privatization account scheme that he was going to set up.

What I am saying to Members here is if we just continue to get the facts out on this, that there is oil, 80 percent of the known reserves, the oil companies have the permits to drill it, we passed legislation that says use the permit or lose it so we can get people in there who want to drill, and we just keep talking about that, and what we are going to do with taking the oil that is already there in the reserve and put it into the market, there is no doubt that our plan in the short-term is better and we have already made the investments in the long term that I know will be better.

Mr. MURPHY of Connecticut. I thank you, Mr. RYAN. You referenced that short-term plan, and I think we would be remiss if we didn't talk a little bit about what is maybe our best tool between now and when this session wraps up to actually get some short-term relief to people. Because as much as we know the oil companies are a lot of the reason, the majority of the reason behind the problems that we face today, we have got to acknowledge where the price of a barrel of oil is set.

The price of a barrel of oil is not set in the boardroom of Exxon or Chevron or BP. It is not set at the gas station that you and I go to fill up at. It is set on this place called the commodities market, the other place that has done very, very well over the past several years, the traders on Wall Street who have been coming away with millions, if not billions, off of these increased prices that we see.

So if you really want some short-term relief, if you don't want to wait 10 years until you could get a drop of oil out of newly-leased territory, then let's actually go and pass some legislation to affect the very place that the price of oil is being set, and that is on the commodities market.

We have seen an explosion of almost 20-fold in the amount of money that is being invested in the oil commodities market. And, guess what? Most of that money is being invested betting in only one direction, that the price goes up. And guess what else? When you bet that the price goes up, that is what it does. It goes up.

□ 2145

Money chases money. Long bets increase the price of a barrel of oil. So we have got some pretty simple solutions in front of us that we are going to be putting forward in front of this House in the next few weeks.

Let's limit the amount of people who can go onto Wall Street with the millions that they have made and force the price of gasoline, the price of a barrel of oil artificially beyond what it really costs. Because I do not believe that the price of a gallon of gas is really $4.20. That is not what supply and demand would have it at. That is what the commodity traders on Wall Street would have us believe.

So if you really want to get short-term relief, then just as on the issues that we were talking about before, you have got to take on the oil industry,

you have got to take on Wall Street, you have got to take on the commodity traders.

And this place just I have seen it in the last few weeks, Mr. MEEK, has all of a sudden started to crawl with those lobbyists that represent the folks that are making all this money off of oil trading. They are going to try to shut this down. They are going to do their best to go to their friends here in Congress and in the administration and try to shut down our efforts to reform the commodity market.

And this isn't a simple thing to explain to our constituents, it is not a simple thing for people to explain to us. But if you really want to talk about what is responsible, what venue can be affected immediately in terms of bringing down this price, you have got to go after Wall Street, you have got to go after the place where we can get the most obvious and quickest price relief. And it is not going to be easy, because those folks there have just as many interests and lobbyists as do the oil companies here. But, Mr. MEEK, we didn't get sent here to represent the lobbyists, we didn't get sent here to represent the special interests. We took over this House, we took control of this House because we are supposed to stick up for the people who are paying those prices.

And we are all singing the same tune. In the long run, we have got to get off of oil. We have got to find something else to run this country on, Mr. MEEK, Mr. ALTMIRE, and Mr. RYAN. But in the short run, let's go to the place where it counts and where it can be changed and affected the most, and that is the commodities market. And I hope that we are going to do something here. I hope that we are going to get some bipartisan consensus to be able to work on that solution in the next few weeks.

Mr. MEEK of Florida. Mr. MURPHY, I want to thank you for sharing with the Members how we can improve and how the administration can improve as it relates to policing what is going on right now.

We passed legislation putting teeth in the Federal Trade Commission to be able to go after these price gougers, to be able to find out where there is fat and waste. This Bush administration will not get the award for being able to stomp out waste and fat within the Federal Government. The executive branch means a lot to accountability as it relates to what we are trying to seek out here in Congress.

I want to thank you, Mr. MURPHY, and I want to thank Mr. ALTMIRE and Mr. RYAN for coming down here, this 30-Something Working Group hour tonight.

Madam Speaker, we come to the floor to not only bring about bipartisanship, but also challenge our colleagues in being a part of the solution versus standing idly by and holding on to party loyalty or whatever the case may be. Because we did not talk about the kind of changes that you can believe in or the kind of change if you give us the opportunity, or the Six in '06 plan on behalf of just Democrats, on behalf of Independents and Republicans, but on behalf of the American and those yet unborn. So we are batting pretty good as it relates to the accountability of what the people want and what is good for this country. And I can tell you, there is no greater honor, there is no greater honor than serving here in this Congress and being about the solution.

We can talk about solution and we can take action on solution here. But if we have an administration that is treating it as though it is the last day of school or the last days of school, and I don't necessarily have to respond; we have oil companies that have a plate of leases that are out like this high and putting pressure on the Congress and on other entities to say, hey, let's start drilling off the coast of Florida. Well, why? Well, we want to bring gas prices down. When? Oh, maybe 10 or 15 years. But we just want it. We know we have thousands and thousands upon thousands of leases that are yet undrilled upon, unresearched or what have you, but we want more. It sounds like the oil companies are saying: We want to keep this good thing going for us.

Well, the American people are now asking for a bailout as it relates to the price of gas at the pump. I am asking the Bush administration and some of my colleagues on the other side of the aisle to be just as excited about helping bail out the American people as though they were and have been excited about bailing out industry, special interests when they get into trouble. Why doesn't somebody save Ms. Johnson or Ms. Cravis, or Mr. Jackson who has an F–10 pickup truck and running a small business. Let's help them.

So that is what we are trying to do here and that is what we are advocating here on the floor. It is going to take more than a willing House and a willing Senate to bring about the kind of change that will affect the bottom line of the American people that are facing these prices right now. We need the administration to be able to stand up on behalf of the American people. And, guess what, we can't wait until January for that to happen.

So we thank you, Madam Speaker. I would like to thank the members that came down to the floor tonight of the 30-Something Working Group. It is always an honor to address the House of Representatives.

We yield back the balance of our time.

HOLDING THE LINE ON DEBT AND THE ENERGY CRISIS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Madam Speaker, I appreciate the privilege to be recognized here on the floor of the House of the United States Congress.

I have sat here through the last hour and patiently listened to my colleagues on the other side of the aisle, and one of the things that comes out clearly is the tone of the message that they deliver.

I have heard this 30-Something Group now, I think I must be into about the sixth year of listening to this, and it seemed to me that at some point they would maybe get over their bitterness about President Bush winning an election in Florida twice, and all the recounts they could come up with still came up with the same result and they still carry the same resentment that the will of the people was reflected. And the bitterness that emerges in this discussion and the implications that come that challenge the motives of the President are disturbing to me, and particularly their remarks that have to do with allegations about: You put two Big Oil people in the White House, and this is what you get, is high oil prices. A lot of us that watch the policy will say we know better than that, Madam Speaker, and I know better than that for a lot of reasons.

As I look down through this, I am going to pick up the oil in just a moment, but I think where I would like to step in here first is to deal with the issue of the national debt. Now, some of the gentlemen on the other side of the aisle were clearly stating that they believe that they could have managed their way into not eliminating the national debt alone but providing for a surplus. They say: We could have paid off all the national debt if you would have just allowed us to be in charge. We would have made the right decisions.

So I listened to all that, and I tried to put myself, Madam Speaker, in a position of what it would be like for a person in a living room in someplace across the United States, or maybe someone who just pulled into the motel or the hotel and turned on their C–SPAN, turned on their television, they are surfing through there and came across C–SPAN or heard something like that, that the folks on that side of the aisle, if you would have been in charge, you would have paid off the national debt, which means if it is paid off, there must be a surplus. That is by simple, easy deduction and because the allegation is the folks that were in charge were irresponsible, supposedly.

So I thought, all right, what do I remember? What is real? What are some of the facts? And I can think in this 110th Congress, this Pelosi Congress, this Congress that is characterized by San Francisco values, Massachusetts values, and budget mismanagement, these are the things that come to mind on me. And some of them, it has been the Republican minority who has fought aggressively to protect the interests of the taxpayers. These are the things that I just wrote down off the top of my head, and it is by no means a complete list. It isn't even close:

Republicans held the line and saved the taxpayers $40 billion on the State

Children's Health Insurance Program, which I support as a State senator, which I support at 200 percent of poverty, which today is 200 percent of poverty still providing health insurance premiums for those children in families of four making in my State over $52,000 a year.

Now, we are helping those folks out some. They—most might make it on their own; in fact, I know some families that do make it on their own without tapping into the SCHIP program. But this agenda was driven off of this floor, Madam Speaker, and pushed by NANCY PELOSI, the San Francisco values, at 400 percent of poverty. That bill, that SCHIP bill would have expanded this funding of health insurance premium for kids and families in my State, of families of four making over $103,000 a year.

Now, who is left to subsidize? If we are going to subsidize families that are making six figures, $103,000 a year, who is going to pay that tax? Well, presumably not anybody that is making less. We know that there were 70,000 families in America that were paying the alternative minimum tax which this Congress, this Pelosi-led Congress can't seem to get around to repealing the alternative minimum tax. But 70,000 families in America would have been paying the alternative minimum tax and been receiving a Federal subsidy for their health insurance premiums.

The whole thing of socialized medicine and the Nanny Pelosi State has come full circle, and the overlap of what subsidized for health insurance premiums for families of 200 percent of poverty would have gone to 400 percent; and families that were paying the rich man's tax, the alternative minimum tax, expands because it is not indexed for inflation. Over into that loop were 70,000 families paying the alternative minimum tax and getting help with health insurance premiums. That is bizarre.

That is what we stopped. We blocked the 400 percent of poverty that would have funded families of four making $103,000 a year with somebody else's tax dollars and created more dependency. We blocked their effort to lay the cornerstone of socialized medicine, Hillary Care, the care that I called SCHIP, the Socialized Clinton Style Hillary Care for children and their parents was blocked by a Republican majority of fiscally responsible people, and we still maintained a program at 200 percent of poverty to help out those families so their children would have health insurance. That is one thing we did, $40 billion.

The second thing we did, we fought the battle and I think in the end we have got a reasonable chance of winning the war, BARNEY FRANK's $300 billion bailout of a $150 billion subprime problem, the idea that folks could come in and borrow up to 100 percent to buy a home that they can't make the payments on, just betting on the idea that the value of that home would appreciate and go up, maybe they could roll it into a fancier home in a few years and then refinance without any of their own equity in the home. That was going on in this country, especially in places on the Left Coast and on the East Coast. It wasn't going on nearly as much in the Midwest.

But there are people all across this country that were saving their money, that were saving up to the 20 percent down or maybe 29 percent down. They looked around, and said, well, all right, now for 10 or 15 years they put their money together and came up with $20,000 and decided, ''I want to buy a home.'' And they went out and shopped the marketplace and did the responsible thing and laid their $20,000 down and moved into a $100,000 home. In a lot of parts of the country that is a modest home; in my part of the country, that is a pretty decent home. They laid their $20,000 down and they could make their payments on the $80,000 left.

But now, the Barney Frank subprime bailout bill at $300 billion says: Now we are going to tax you, the families, the middle-income families, especially in the modest homes that put their 20 percent down on their modest home, tax those people to bail out the folks that had nothing down and moved into a $400,000 home, all to the tune of creating an increase in the deficit in this country by $300 billion. That is the bill that came off this floor. That is the bill that is over in the Senate. That is the one that I hope they can knock in the head. We don't need to do that.

And there was another one, a grab bag of ''I Want List'' off-budget for $168 billion. Those things popped in my head quickly, and I am seeing numbers of $1 trillion here and $1 trillion there roll off of the 30-Something Group. In my short little piece here, I wrote down $508 billion of irresponsible spending. Much of it Republicans have been successful in killing because it was irresponsible. That is more than one-half trillion dollars just in my memory in this short Congress, not in the full duration of 12 years in the majority, in which their grievance list goes back well beyond that.

And then, this group of people has the audacity to put out a whole series of proposals on energy because they know the American people are tired of paying high gas prices.

Now, I have sat in this Congress for these years. I started out in the 108th Congress, but I will take us back. I have some numbers here that come from the 106th, 108th, 109th Congress, and these are Congresses that were led by Republican majority and these were efforts that were brought forward that would have lowered the cost of energy in its entirety, especially the cost of gas.

□ 2200

These are bills that went over to the Senate from the House. Mr. Speaker, I hope you write this down and do a little research on this.

H.R. 1655, from the 106th Congress, the Department of Energy Research, Development, and Demonstration Authorization Act, that passed the House and went to the Senate. That was on September 15th of 1999. Also, H.R. 3822, another energy bill, the Oil Price Reduction Act, that passed the House on March 22nd of 2000. It went to the Senate, and it died in committee.

Also, in the 108th Congress, I'll name three other bills: H.R. 3062, H.R. 4503, H.R. 4517. They all passed the House in the 108th Congress. All would have lowered energy prices. All would have provided more energy in the marketplace. All died in the Senate.

In the 109th Congress—that's the Congress ahead of this one—H.R. 6, the Energy Policy Act, passed the House on April 21, 2005. That happens to be my mother's birthday. Senate action: They removed the ANWR provision that passed out of this House. It died over there. Others that passed in that Congress are H.R. 2863 and H.R. 5429 and H.R. 4761, all energy bills, all bills that passed the House, all bills, by the memo I'm looking at, at least, that didn't make it out of the Senate, that didn't come back to the House, that didn't go to conference. They just died over there. They died over there not because of Republicans in the Senate. They died over there because of the 40 Democrats who blocked the bill, the filibuster rule that they have. As long as they're able to do that, they can be in the minority, and they can block good legislation in the Senate.

That, Mr. Speaker, is what happened in the last three Congresses ahead of this one, this 110th Congress that we are in.

I didn't mention the 107th Congress. As for the 106th, 108th and 109th Congresses, all of those Congresses passed energy legislation bills. All of them would have contributed to the supply. They would have reduced the regulation. Some of them would have provided for the siting of refineries on decommissioned military bases, and part of that legislation out of here would have allowed drilling in ANWR. Part of it would have opened up the Outer Continental Shelf to at least some degree.

We sit here in this Congress, and a question that came up more than a year ago was: What is the solution for $3 gas? I happen to have a little chart that might help illustrate this.

Now, George Bush was really put up to be the demon here, in listening to the folks who spoke ahead of me, so I thought I'd put a little piece of fact up for people to take a look at, Mr. Speaker. Here are the facts. This is just slightly dated, but I can bring it up to date. This is pretty close.

This is the time that George Bush was sworn in as President of the United States. Gas was $1.49. Oh, boy. Don't we wish we had those days today.

As I move forward, we come to the point where NANCY PELOSI was sworn in as Speaker. Gas had gone up to $2.33 a gallon. I'd be happy to go back to

those days, and so would every American if we could make the deal today to hold gas at $2.33, but look at how long it took to get to the $2.33 from the $1.49.

When Bush was sworn in as President and, yes, when the speculators in the world and when the investors in the world and when the oil companies in the world and when the sovereign wealth funds in the nations that control much of the world's energy supply saw what was happening here in this country—that the United States had lost its ability to pass legislation out of this House and send it to the Senate, let alone to a Senate that would pass it and send it to the President, who would have signed, I think, every one of these bills that I've read off here—then your energy prices shot up. $4.08 is slightly dated. It's probably $4.10 or $4.11 today. So that tells you what's actually going on here.

If you take energy off the market, if you increase regulation, if you come out and you make noise about windfall profits taxes, I can tell you what I'd do if I were sitting on the board of directors of an energy company, and Congress had said, ''I want to come in and tax you after the fact.'' I would start to look for other places to put my capital, where I could get a return that wasn't going to be punished after the fact by Congress.

So I don't think that people on the other side of the aisle here, for the most part, understand this free market system that's here. I don't think they understand supply and demand. They convinced me of that today in a hearing on the Ag Committee. It was all about trying to regulate the futures market on energy. There were six different witnesses, and I lost track, actually, of how many bills were there, but some of those bills were drafted years ago, 1 or 2 or 3 years ago, when I would have thought that, maybe, their focus on this regulation of the futures market would have come within the last 2 or 3 months rather than in the last 2 or 3 years.

They convinced me, because those Members of Congress had been working that long on the futures market, that it actually indicates supply and demand on energy in the world, and it lets the people who are watching those markets understand at least what the people who are speculating on that market think is going to be there for supply and demand. They don't have the confidence in that. They think that they need to get in there and regulate the market, regulate the market, take the futures out of the energy equation because, as the gentleman from Maryland said, there must be some margin in there somewhere, and we've got to squeeze every drop out of it. Well, they're providing a service with the futures market, and that allows people to hedge, and you've got to let them hedge because there are people who are vulnerable to the fluctuation in energy prices.

Then, on top of that, supply and demand is not part of the equation on the left side of the aisle, Mr. Speaker. It's not. They convinced me of that in the hearing today. It's not or it wouldn't be proposed by the Speaker of the House, NANCY PELOSI, that we should go ahead and up the Strategic Petroleum Reserve. In a little bit, the gentleman from Pennsylvania will address that subject matter with a little more expertise than I bring to this floor, but it's a limited supply, and it's, therefore, a national emergency.

I can tell you that 42.6 percent of the world's export oil supply goes through the Strait of Hormuz. We have Iran threatening to shut down the Strait of Hormuz, and they know that that strait there is not just the valve that controls 42.6 percent of the world's export oil supply. That's the valve that shuts down the world economy. If they can control the strait, they can control the world economy. They know it. They've known it for a long time. Even Jimmy Carter knew it.

What would be the dumbest time to open up the Strategic Petroleum Reserve? Well, that would be the time when we're most vulnerable and are most threatened that someone like Iran might decide they're going to try to close down the Strait of Hormuz.

That limited amount of oil is there. It can't change the market very much. The markets aren't going to change unless you have a significant change in the volume. That doesn't change the volume of oil in the market. That just dumps the reserve out and leaves us vulnerable to dumping that volume.

Now, in looking down through a list of some of these other things, they put up a chart that showed that there are 91.5 million acres leased, and there are only 23.7 million acres producing. So they're saying go ahead and drill those acres; we're fine with that. Well, all right. I'm fine with that, too, but it doesn't matter whether you're fine with it or not. Those acres are leased. The problem is those aren't producing acres. It costs millions to sink a well in most of these places. So, if you sink a well down someplace where there's not oil, you've wasted the money.

I'd say, if you're serious about this, step up and join me. Let's let the leaseholders then trade off those acres for other acres. Let them use those acres to bid with in conjunction with the dollar investment. We'll let them trade out of that 23.7 million acres or, let me say, the 91.5 million leased acres that aren't being drilled on—and I'm taking your numbers at face value. I've not checked these numbers, and I'd want to do that before I'd sign onto a bill. Take a look at this. Let them trade the acres out, and you'll find out. There's no reason why an energy company doesn't want to drill unless they don't believe there's oil there, not in this market, not in this day.

Then you know the argument ''use it or lose it.''

Well, let them use it by letting them trade those acres in for acres that are producing acres, and you'll see immediate action. They'd be happy to lose some of those acres. Open them up, and let somebody else bid on the acres that aren't being drilled. This is a prudent business decision.

Your theory, gentlemen, presupposes that there's oil in equal quantity under every acre that's leased whether it's drilled or whether it's not. Now, what kind of a myopic view of the underground do you have? Do you have any geologists over there in your caucus? I'm not really a geologist, but I have personally and physically drilled for oil, and I've dug more holes into Mother Earth than has anybody in this Congress. I've taken a little look at the stratification of that, and I at least have some understanding of what produces oil and what doesn't. It can't be everywhere by definition.

Then the position that came out over and over again is that Democrats are going to go after Big Oil. Well, Big Oil is what provides a lot of energy in this marketplace. If you cut down on the supply, you're going to raise the price some more, and you'll see this price of $4.08 go up to $5.08. Go ahead. Go after Big Oil, and see what the result is. You are not going to get oil 1 cent cheaper. That price is going to go up because you'll scare the capital out of the marketplace; you'll shut down the exploration, and you'll empower the Middle Eastern oil more because they are the sovereign wealth funds that control a significant amount of the energy. That's the mindset over here.

I suppose, if you say it over and over again, you'll begin to believe it, and maybe you actually do believe it, but you're not going to be able to get commonsense Americans to believe in an idea of going after Big Oil.

Oh, by the way, windfall profits taxes. Let's just say Exxon. I saw a piece the other day of 8.6 percent return on their capital. You want to tax windfall profits, calling an 8.6 percent return on capital a windfall profit tax? Well, if that's the case, I'll sign on with that if you'll also want to apply a windfall profits tax to every corporation in America that got a greater return than 8.6 percent. If we'd do that, we would kill the goose that laid the golden egg. We would also fix the national debt because there are a lot of companies that are going to end up getting a better return than 8.6 percent on their capital.

I spent 28 years in the construction business. Many times, I got a better return than 8.6 percent on the capital. I never felt guilty about a single bit of it because I earned it all competing in the marketplace, and that's what these companies are doing, too.

This is the one that grips STEVE KING, Mr. Speaker, this statement from the gentleman from Ohio (Mr. RYAN). Look at the investments in biofuels, the Democrats' support for biofuels. He says that some say it's keeping gas prices down by 50 cents. Well, I wish

that were the case. I happen to represent the number 1 biofuels congressional district in America. It's the 5th District of Iowa.

Six years ago when I came to Congress, we hardly had an industry, but Republicans passed Blender's tax credits at 51 cents a gallon. I'm the guy who introduced the legislation in my first bill in Congress that extended the Blender's credit for ethanol and that raised the small ethanol producers and the small biofuels producers' credit from 30 million gallons a year to 60 million so that we could take advantage of the economy of scale and the kind of plants that needed to be competitive.

I added biodiesel to this. It came out of the bill I introduced. It was written into another bill. I've gotten a lot of help here, and I thank everybody on both sides of the aisle for that. I sent it over to the Senate. The Senate picked it up, and it arrived at the President's desk. The first bill I introduced became law, and I thought I'm a freshman, but this is easy. Well, Mr. PETERSON knows it's not that easy, and I was a little bit lucky, but it was an idea whose time was right. I just happened to know, though, about what happens with biofuels.

The 5th District of Iowa produces more, when you add it up, ethanol, biodiesel and wind energy than any other congressional district in America. We are the renewable fuels capital. We've built an industry around this. For at least the last 2 years, maybe 3, there has been over $1 billion a year in private investment capital invested in renewable energy infrastructure just in my congressional district. So I thought I'll do the math on this now.

If you can lower gas prices by 50 cents because Democrats invested in biofuels—well, they didn't do that. That was Republican leadership, but Democrats did do this: They brought the farm bill out of this floor, and it went to the President's desk. It cut the Blender's credit by 6 cents. That's what Democrats have done. So they've sent a message to the renewable fuels industry: Don't invest capital in this industry because we're going to be changing the rules on you after you get your dollars invested. That's what they think of a deal. Cut the Blender's credit by 12 percent.

Now, I'm not here to argue whether that's the right number or whether that's the wrong number. That's what happened. That was Democrat leadership that did that, but if they think that having renewable energy—and that means biofuels—on the market will cut gas prices by 50 cents, Mr. Speaker, then I went through this math, and I figured this out.

All right. Let's see. In ethanol, we produced 9 billion gallons of ethanol last year. That got blended into 150 billion gallons of overall consumption. That works out to be 6 percent of the gallons, 4.2 percent of the energy. So, with biofuels, ethanol replaced 4.2 percent of the energy consumed in gas last year. If 4.2 percent of the gas can lower the price by 50 percent as stated by Mr. RYAN from Ohio, if that can happen, then I'm here to tell you, if we open up ANWR, that will do a better job because 1 million barrels a day going into the marketplace in ANWR will replace 5.6 percent of our annual gas consumption. So, if 4.2 percent in ethanol lowers the price by 50 cents a gallon, 5.6 percent coming out of ANWR ought to take it down 60 cents or more a gallon.

□ 2215

And they say don't drill in ANWR.

I can take that up a little bit later, Mr. Speaker, and I have some things that I would like to say about the commodities and futures and trading markets as well, but I also recognize that the gentleman who is and remains the leader on energy in the United States, in the United States Congress, the gentleman who is down on this floor over and over and over again who is working in front of the scenes and behind the scenes, who's working strategy, who is engaging in amendments in committee, who walks this floor constantly seeking to lower energy prices for the American people, a man who leaves a legacy and hopefully gets his way at the end of the 110th Congress so there's a real marker for that legacy is the gentleman from Pennsylvania (Mr. PETERSON), whom I'd be proud to yield so much time as he may consume.

Mr. PETERSON of Pennsylvania. I thank the gentleman from Iowa and for the opportunity to share time with him.

I don't know about you, Mr. Speaker. After the 4th of July recess where we had $4 gasoline, $5 diesel, almost $4 heating oil, and Americans are shuddering because what they don't know, and they will be even more concerned, is that in a few months, they will be getting 50- to 60-percent increases in home heating costs with natural gas. Those passed-through costs will be approved by our State PUCs. My home company in western Pennsylvania raised the rates at 6 percent in May and are going to be raising it 50 percent August 1, and they have another opportunity to raise it again in November. And they're just passing through the costs of gas.

Just like New England just had a 42 percent increase in electric costs because of the percentage of their electricity that is now made with natural gas. So as natural gas prices escalate, theirs escalate.

When we have these prices, I have neighbors who don't know how they're going to heat their home this year. I have churches in my district who probably won't use their sanctuaries, seniors who are living on limited budgets. I know a gentleman, a neighbor, this week—he's 75 years old. Four years ago, he sold his pellet stove because he was 71 and decided he was getting too old to carry 40-pound pellet bags into the basement. He had it in his basement and ran heat up through his registers. And he took it out. And with the current energy prices, he bought another pellet stove. He has to cut another hole through the cement wall that he had cemented and put another pellet stove in because he can't afford fuel.

I have neighbors and friends who kept their house at 55 last year. And this year energy prices are double if they're heating with home heating oil. They're about 75 percent higher with propane, and they're going to be somewhere between 50 and 75 to 100 percent higher in natural gas when those prices hit the market.

I know Americans who are driving 30 and 40 and 50 miles to work. I have a neighbor lady who makes $11 an hour. She has two children. She travels 36 miles to work. Her balanced billing bill is $175 a month, and she has no money in her budget for a 60 percent increase in natural gas prices that are going to hit her for this winter.

People all over America are scared. Should we open the reserve? Well, I guess if we do, we sort of say we didn't need a reserve because the reserve is only several months' supply in case there's a tragedy in the world market, there is a major problem in one of the big sending countries. Let's just say, God forbid, that terrorists would blow up the sending platforms where we load our tankers in Saudi Arabia, we would have $250 oil quickly.

The petroleum reserve is in case of war, is in case of tragedy somewhere in the country, some tragic incident that cuts off our supply. Because today, we get one-third of our oil from home, we buy one-third of it from our friends like Canada and Mexico and other friendly countries, and we buy one-third of it from the Middle East. The one-third in the Middle East, as we've heard earlier, is fragile. We don't know that will always be available. Should we use the reserve? I don't personally think we should. I think we should have kept filling it because 70,000 barrels a day is a drop in a bucket. It did nothing for prices, will do nothing for prices.

So use the reserve and say July, August, and September it will be all gone. And what do we do in October, November, December if we have tragedy or what are we going to do then? That's not a solution.

It amazes me, because I'm not giving high grades on energy to many people around here. It's my view that 3 Presidents and 14 Congresses in succession have not gotten good marks on energy, have not had a bona fide energy plan. And you say, Why is it? Well, it's kind of understandable. Up until 7 or 8 years ago, except for a spike in the 1970s and 1980s and 1990s for a year or two at a time, we had $2 gas and $10 oil. And the argument was—and I remember debating it at the State—should we use theirs or should we use ours. I always thought we should produce ours. It creates jobs here. It's part of our economy. There's no better jobs than oil-

patch jobs and all the related jobs, the refineries and the pipelines and all of that whole system.

You can go down in downtown Washington and buy gasoline made in Russia, and the only person making money off of it is the guy selling it. It was refined in Russia. We can buy that in Washington, D.C. They only chain the stations here in the east coast.

So I just find it, I guess, unconceivable that we don't—we can't figure this thing out that when we're one-third dependent—we're two-thirds dependent—but one-third dependent on enemies or people who aren't our friends, and people who—or they're not stable governments. And when they say not to drill here, every day we don't drill here we become more dependent.

Since I've been in Congress, we've averaged 2 percent a year. This year we will increase another 2 percent. We're at two-thirds now dependent on foreign countries.

And what happened was—I don't give the Bush administration high marks. In fact, looking at, you know, they actually get higher marks than many. They had the hydrogen car initiative 2 or 3 years ago. They pumped a lot of money into hydrogen cars. But do we have a hydrogen car? No. Do we hope to some day? Yes. But that's futuristic. That's a good thing.

Last year they had the mandate, they urged us to increase the mandate on biofuels to 36.5 billion by 2030, switching from corn after 15 billion gallons to cellulosic ethanol. Now, I get a little nervous when you mandate cellulosic ethanol when we still don't have the design of a plant to make it. Now, we're hoping and praying, and the thought is making it out of wood waste and making it out of garbage and out of sweet grasses like switchgrass. That looks hopeful as a better way to make ethanol. Because we do know that corn prices have edged up a little from $2 a bushel to I think it hit a high of $7.70 last week. It's down to maybe $7.40 this week.

But the first Bush administration locked up the Outer Continental Shelf. We're the only country in the world to do that. Canada drills right up here. And they drill right up here within sight of our coastline. Norway, Sweden, Denmark, Ireland, Australia, New Zealand, every country, all of South America, everybody produces offshore. In fact, Brazil, the country everybody gives high marks for, and they gave the credit for ethanol. Ethanol is 15 percent of it. But they went out and opened up their continental shelf and just recently in deep water found a huge reserve of oil, and now we're going to be an exporter of oil.

Now, what we don't know about America is when we did seismographic on our shores 30-some years ago, since then for the last 28 years law has prohibited us from even measuring out there to see what's out there. That's how stupid I say we are. We don't even want to go out and look. We could have somewhere out here, or somewhere out here, the largest oil and gas reserve because all over the world, offshore is tremendous energy production.

In fact, everybody tells me, everybody that knows the business and who have regulated the business, not necessarily producers, that it is the least environmental hazard. When you're out in the ocean and you drill a hole in the ground, I mean, one little storm stirs up more than a drilling bit going down into the ocean floor. And we've not had a major spill since Santa Barbara in 1969. We have the technology today. And the cost offshore is big.

But here offshore when we did the seismic measurements 30-some years ago. We only did it in water less than 4,000 feet. Now, today we can drill in 2-mile deep water so we've never even used—and the seismic of today would be like comparing an old seismic 30 years ago. It would be like a black and white TV to the current thin-screen TVs like we have today. That would be the difference. I mean, the new seismic tells you what's there. Tells you a lot.

But we're not there. We just drill in a small part of the gulf. That's the other thing. And it amazes me when we listen to these talks about we got 64 or 84 million acres. Until they drill that we're not going to let them. Well, you know, four out of five deep water wells are dry. It costs $900 million. I'm going to say that again: $900 million to build a deep water platform. It costs $1 million a day to operate it, and it's four out of five wells you will drill.

Now, I'm not able to personally assess. I'm meeting with some people tomorrow in two different groups to learn more about the potential of those 64 or 84—I keep hearing different figures—million acres that they're talking about. But I do know that these are great and the rest of the gulf here are great areas, and we are saying can't drill there.

Now, it seems to me drilling for oil's not a sure thing. Four out of five deep? No. You don't get anything. Three out of four shallow? No. You don't get anything. So you explore, and when you find three or four good wells, now you know you've hit a pool and you will go in and try to figure where it's at and maximize it.

We know in much of the gulf we've been drilling for so long that the gulf is actually depleting. Although we're drilling twice as many wells there as we used to, we're getting less energy because we're in old, tired fields. We're drilling between wells. We're drilling deeper where it's more costly, and it's still exploring, trying to find more gas and oil.

Now, I guess the part that really confounds me is the hope we have for renewables. And you know, I hope for the day in my lifetime that we can run our country on renewables. But here is the chart. From the middle of this chart towards me is history. This is the Energy Department's figures. From the middle of my chart to my left is their projection of the future. Of course, oil's the Big Kahuna. Natural gas and coal are the other big ones.

Now, they show coal increasing. I disagree with that because of the carbon issue and because 70 coal plants in the last 8 or 9 months have been turned down by State agencies, and they will all become gas plants. And the reason we have such high gas prices in our country today is that 12 years ago we took away the moratorium for using natural gas to make electricity. Historically, Mr. Speaker, we only made electricity out of natural gas in a peak power plant that ran in the morning and the evening when we consumed huge amounts of electricity when we're heating water at home and cooking and doing the washing and so forth in the morning and evening, and all of the plants that were running to. So that was a maximum load of electricity.

So 12 years ago we took that moratorium off, and now 24 percent of our electricity is made with natural gas. From 7. That's a huge increase, and we didn't open up supply.

Now, just several years ago natural gas was $2 a thousand. The last few months it's been running at $1,300 to $1,350 a thousand. Those are figures that will drive most industries left out of this country because natural gas is not a world price. It's a country-by-country price. When we pay $130, $140, or $150 for oil, it's very painful; but it's painful for our competitors. It's painful to our neighbors.

But on natural gas, we've been paying the highest prices in the world, and we have competing countries who are right in South America. Trinidad has $1.60 gas. Now, if you're going to make glass or you're going to make bricks, you're going to make petrochemicals, you're going to make fertilizers which consume enormous amounts of gas.

Just to show you. Dow Chemical in 2002 paid $8 billion a year for natural gas. Today, Dow Chemical pays $8 billion a quarter for natural gas. And to show you the migration of jobs out of this country, Dow Chemical in the year 2000 had 64 percent of their production on shore in America. Today they have 34 percent. Why? They can't afford to be here. Just like my neighbors can't afford to heat their homes and drive their cars in rural areas. Companies and small businesses who heat treat things who bend metal and twist metal and have to heat it with natural gas, they can't afford to function competitively in this country if they're competing with products made in another country that can buy gas for a fraction of the cost.

□ 2230

Now, let's look at where we're putting all our faith. I want wind and solar to be huge but it's not.

Nuclear, we did in the 2005 Act streamline the nuclear process. We have thirty-some permits applied for. I think we have 33 about ready to be

given. We need 35 to 40 new plants built for nuclear to keep nuclear at 20 percent of the grid, just maintain, 20 percent, not gain.

Hydro continues to lose ground—that's the brown line here—because we're not building dams. We aren't allowed to build dams. That's the cleanest energy we could have.

The top line is the renewables. Now, over on my left, I'm going to have a big chart tomorrow, but the red is biomass, woody biomass. Now, woody biomass has grown almost a percent in the last 4 years. That's pellet stoves. Over 1 million Americans this year will heat their home with a pellet stove. That's wood waste factories burning boilers with wood waste, heating their factories with wood waste. And it's power plants topping their coal loads with some wood waste to meet air standards there near the edge. So woody biomass, and I don't think there's been any initiatives, any tax credits. That's just happened.

Then we have hydro, and it's not gone. It's going to stay there. The yellow line is geothermal, and there's all kind of incentives. They get the tax credits, but as we grow our economy, it just remains a small portion.

Then we have the blue line, which is wind, which has bubbled somewhat. But if we double wind and solar in the next 5 years we will be less than 1 percent of our energy portfolio. Now, I hope we can, and I hope we can double it again the next 5 years, but we'd still be less than 2 percent of our energy portfolio, maybe even less than that because our energy needs will grow.

Now, the problem that's changed in the world, and a lot of people don't realize it, is the growth of use of energy in the world. It's not us. We're flat on energy use. In fact, we're decreasing because of price.

China is increasing 15 to 20 percent a year. India's increasing at a huge rate. You have South America developing. You have Malaysia developing. You have millions and millions of people in this world who are buying their first car and owning their first home, and when they buy their first car and own their first home, they're in the energy use business.

So, no matter what we do, we can't control prices by conserving. I'm for conservation. In fact, we need to figure out how to help Americans to use energy more wisely and let them write it off on their income taxes in a 3- or 4-year period. We need to do that, whether it's more efficient heating, whether it's better windows, better doors, whether it's more efficient appliances, yes, we need to help them out, because, really, I hate to say it, but the only thing Americans have today that they can do is use less energy. There is nothing now because we are not going to drill. We're not going to drill.

I have a bill to open up the Outer Continental Shelf. I had it poised. I offered it in the committee, in Interior, in the subcommittee, and it's the first time that it's been treated partisanly. We had six Republican votes were ''yes'' and nine Democrats votes ''no.'' Now, I'm not going to blame those Members. They had tremendous Speaker power applied to them. There were Members who voted against energy who have never voted against energy in this Congress in that sitting.

A week or two later, we were going to offer our amendment again in the full committee, where you have about 75 or 80 Members. And I think somebody in the Speaker's office took a count, and when they didn't have the votes to beat my amendment, we didn't do the Interior bill. And here we are today, weeks later, we are still not doing the Interior bill. Why? Because Congressman PETERSON has an amendment that would open up the Outer Continental Shelf that would open up drilling 50 miles out, from 50 to 200.

Like I say, I don't pass out any gold awards around this place in the last three decades on energy leadership, and I mean that sincerely. We haven't had a President. President Clinton didn't lead on energy. He vetoed the ANWR bill. And I personally think President Bush tried hard to do ANWR. I voted for ANWR, but if he would have put the same effort on offshore, we would have probably accomplished it, but he didn't. In fact, he has never supported offshore until a news conference two weeks ago. But he also—and I'm going to say this critically—there's a Presidential moratoria and there's a legislative moratoria, and he said, if Congress will lift their moratorium, I will lift mine.

Mr. President, I was disappointed that you didn't lead. I was disappointed that you didn't lift your moratorium. Now, your father put it on. It was not supposed to be long-term. It was supposed to be 5 years until they could assess what parts of our coastline might need to be protected. President Clinton came in, had no energy initiative. He extended it to 2002, and then come Bush II, and because he had a brother in Florida and offshore drilling was an issue, he didn't touch it.

In fact, last year we passed a major bill here in the House to open up offshore. The Senate wouldn't deal with it. They passed a small bill down here in the gulf that was tracked 181 that had been on the 5-year plan in the Clinton administration that had not been leased, was taken out of the 5-year plan because of its proximity to Florida by the Bush administration, and was legislated back into the 5-year plan by the Senate, and I had to lead the fight here to get that accomplished in the House. They wouldn't conference with us on our bill so we could merge the two bills, but I led the fight here to make sure that we got that passed. That lease sold for I think $3.6 billion and is on its way, and it was done rather quickly.

Now, there are those who say we can't do anything in 10 to 20 years just don't know what they're talking about. If we work close to the areas in the gulf first—and we will—that have been leased, there's infrastructure. And if we would expedite the permit process legislatively like we did with track 21, and force the hand of the bureaucracy not to sit on this and to get it done, we could have oil and gas production in several years.

We still have 27 platforms active in the western coast that were exempted by the moratorium. They're still functioning. In fact, the governor of California uses some of them to drill in his 3-mile zone, when he's telling us not to drill nationally. Yes, Arnold Schwarzenegger, the governor of California, issues permits, and California approves them or his administration does, to drill off the shore of California every year, drilling in the 3-mile zone. Now, they drill part of them from onshore with a slant drill. They go on our Federal platforms in Federal Waters and slant drill into the 3-mile area to produce oil.

I'm sorry, but California and Florida are huge users of energy and both of them have thwarted us. I've got to give credit to the Florida delegation. They have come around. Many of the Florida delegation realize—and the Florida citizens picked it up first—they're now supporting offshore production of energy. Offshore production of energy is not a threat to our coastlines. It's the best reserves we have. It's close to where the people are. We have pipelines and refineries there. It's what really works.

When you produce oil in some parts of the Midwest it's hard to get it to market. I'm not saying we shouldn't produce it, but when you produce it on your shorelines where your population centers are, it's the best place.

I find this Congress almost unbelievable that we use excuses like there's 68 million acres that are leased and are not producing. Well, if you punch 10 holes in the ground and they're all dry holes, you stop spending your money.

I know also there's probably hundreds of cases in the gulf where there's lawsuits preventing them from drilling a hole in the ground. Citizen lawsuits, the Sierra Club, Greenpeace, all these organizations continually sue to stop the production of energy.

Yes, the problem we've had, we've had three Presidents in a row and 14 Congresses in a row, and all these 10, 11 environmental groups that said we must stop using fossil fuels. We must stop using these, and we're going to replace them with these. They're going to replace these with this.

I wish we could, but until we can, we better produce and we need to be doing coal-to-liquids and coal-to-gas. We need to be continuing to push hydrogen. We need to do all of the above.

And I want to tell you something, it's my opinion, my humble opinion, that if we drill offshore and we drill more in the Midwest and we do coal-to-liquids and coal-to-gas—they all take time—this country is going to be in an energy

crunch for a number of years, and there's going to be pain felt in this country. We're going to lose middle-class jobs. We're going to lose industries out of this country because they can't afford to be here, no matter what we do, because we've waited too long.

Mr. KING of Iowa. I want to thank the gentleman from Pennsylvania. I'm standing here transfixed. Much of this argument I have heard, but I seldom hear it put together in such a way, such a deliberative way that flows. And when you start talking about the future and what it looks like and the pain that we're going to feel because we waited too long, that's a good message for this Congress to hear.

And from my own perspective, I'd like to say this. Some of us are going to be able to coast along through and shift into retirement and be able to be just fine for the rest of our expected lifespan. That's not the case for millions and millions of Americans who are at the earlier stages of their life that have yet to step forward and get an education, that have yet to join up and raise a family.

And I'm thinking about my children, my grandchildren. I'm thinking about a little fellow named Joseph Dean Anderson that was born the day after the 4th of July that I'll be watching very closely as he grows up and how we shape the future for him, and the decisions that we make in this Congress and the debates that we're going to have a lot harder time winning because there's an agenda out here that we can't quite get our hands on.

And I'm always trying to figure out how can I bring some more logic to win this debate. I came into this political arena about, oh, I don't know, 12, 13 years ago, believing that if I'm right on principle, all I have to do is articulate that principle and that will bring those folks over to my side and we'll get the votes together. That was a naive thing to believe that somehow logic and principle was going to carry the day. It doesn't carry the day because people migrate towards political power.

So if you have a green coalition that's putting money into campaigns and if you have an agenda that's being driven across the Web pages, they say we'll support you and we'll come in and we'll march the streets and hang door hangers on the doorknobs and we'll make sure that you get reelected, all you have to do is if we label it green, just sit up and vote our way. That suspends logic. It suspends the logic. The logic that JOHN PETERSON has delivered out here tonight, the logic I think I've added to, is suspended is because this agenda is an agenda that goes beyond our rational understanding.

Now, I have been telling my constituents that NANCY PELOSI and the people that follow her, the people who would have voted for energy and now vote for green in the committee, in the end they really don't want cheaper gas. They want more expensive energy in America. That's what they want. That's what the agenda is, and now here is how I explain it.

First, for me, for those of us who approach this thing with the best interest of Americans in mind say this. If we can do this, this is the energy pie chart. It's taken me a little time to put this together, but what it represents is the inside circle the total BTUs produced in the United States of America. That's 72 quad-trillion BTUs. And then the outside circle is all the energy that's consumed in America. That's 101.4 quad-trillion BTUs of energy. Now, quad-trillion doesn't mean a lot to me or anybody else for that matter, but it's this.

Seventy-two percent of the energy we consume in America is produced in America. The difference, that 28, 29 percent, is what we have to import from outside the United States, and in these pie charts that are here are a number of these components that Mr. PETERSON talked about so much.

Here's coal in the orange. That's the coal that we consume on the outside; the coal we produced is on the inside.

□ 2245

They don't quite match up because the size of our circles are different.

Then you can go down here, but look at the outside circle, the natural gas. Our overall consumption is 23.3 percent of our energy consumption is natural gas. Nuclear is up here; 8.29 percent of our energy consumption is nuclear. That needs to get bigger.

You get around to these parts that we've heard about, the biodiesel, wind, geothermal, how hydroelectric is shrinking. Here's your ethanol. And I've pushed hard for ethanol. And we've got solar power is a small little piece of this thing; bigger than what you might think in comparison to ethanol.

As you get around here, here's motor gasoline. That piece is the piece of this overall consumption pie that's getting smaller in proportion, but it is not shrinking in its overall consumption.

The solution for the United States of America is to add one piece to this pie; that's called energy conservation. JOHN PETERSON spoke to that as well. Then we need to take every single piece of this pie and we need to expand it. We need to produce more gas, more diesel fuel, more coal, more hydroelectric. And that's the hardest thing to do. And it is the cleanest and it is renewable. Wind is renewable, and we'll produce more of it, but it's not a big enough piece.

More natural gas. That is troublesome to me in particular, representing farm country where 90 percent of the feedstock that goes into producing nitrogen fertilizer is natural gas. And American companies that were producing fertilizer in the United States have moved to places like Trinidad because of the lower gas prices and had to set up their operations there. They've been driven offshore. We've essentially lost the fertilizer industry in America.

Mr. PETERSON of Pennsylvania. Would the gentleman yield?

Mr. KING of Iowa. I would yield

Mr. PETERSON of Pennsylvania. That's one of the things I didn't mention is I think nitrogen fertilizer is 70 percent natural gas. Petrochemical, 55 percent natural gas, as an ingredient. Polymers and plastics, 45 to 50 percent natural gas. We have steel. We all know the manufacturing of steel and aluminum use huge amounts of natural gas.

My prediction is if we don't open up natural gas and get the price down, we'll make our bricks—bulk commodities like bricks that are easily made in our own neighborhoods from clay somewhere in a mountain nearby, those will be made in Trinidad, where gas is $1.60. Glass for our home windows will be made in Trinidad. In fact, car windows are coming in from overseas right now because of natural gas prices.

Natural gas is the mother's milk of the manufacturing process in this country. And if we don't fix the natural gas problem, we're not going to have a manufacturing base of anything. We will import everything that's manufactured. And at the same time, Americans, this winter and the winters ahead, are just plain going to struggle to drive their cars and heat their homes.

Mr. KING of Iowa. Reclaiming my time, and thanking the gentleman for coming to the floor and delivering this good, composite message on energy, the natural gas that we know of in this country is at least 406 trillion cubic feet of natural gas. That's our reserves. We saw the map on how to go drill them.

I would point out that there was a referendum that went up on the ballot the third day of June in Union County, South Dakota, and the question was, are you for or against building a new refinery, a $10 billion investment in southeastern South Dakota? That referendum passed by 59–41 percent. We think we're going to get a refinery built that will receive that heavy crude oil coming out of the tar sands in Alberta. It's not certain that we can get through the regulations. We think we'll get one built anyway.

And I want to add that the ANWR piece—we didn't talk about ANWR very much, I've gone up there and looked at that—the ANWR component of this is about a million barrels a day. It's identical in the topography to the North Slope. We drilled the North Slope starting in 1972 and we had oil pumping out of there in 1975. It doesn't take 10 or 20 years, as the gentleman said, to get this fuel down there. We can do it in months on the North Slope of Alaska, and we can change the market prices if we open up the situation to do that.

Now, in just concluding this, grow the size of the energy pie, add a piece for conservation, produce more Btus in all ways that we can, dramatically expand nuclear. If the French can produce 78 percent of their electricity

with nuclear, we can dramatically increase that. And nuclear should be coming online rather than natural gas to generate electricity because the mother's milk of manufacturing, the mother's milk of our economy is natural gas.

We're having difficulty breaking down the barriers of the people that believe we ought to have more expensive energy in this country instead of less. And I'm here to make the point that the reason that they support more costly energy and give lip service to windfall profits taxes and higher regulation and trying to squeeze down the futures and the commodities market, the reason they denied a global demand increase—which for the Chinese this year, their gas imports have increased 2,000 percent so far this year—they deny that because they want to see higher energy prices, not lower, because they know higher energy prices shuts down the mother's milk of our manufacturing industry in this country, it slows the economy down, it forces Americans to park their car and ride their bicycle. And now, that serves the myopic belief that the goddess of mother nature is more important than the God that created this Earth, and that somehow we can serve her by shutting off the consumption of energy, cutting down on greenhouse gases, and answering to this question of controlling our climate here in the United States of America. Meanwhile, while China and India and the rest of the developing nations are building coal fire plants faster than we can shut them down here in the United States, we can't solve this problem, if it exists, by shutting off the energy and shutting down the world's economy that's here in the United States, this 25 percent that we produce.

That's what's wrong. They want a higher energy price, they want a slower economy. They think somehow that can be paid for by the rich in America. JOHN PETERSON and STEVE KING know it can't be.

Mr. PETERSON of Pennsylvania. Could I ask you a question?

Mr. KING of Iowa. I yield to the gentleman.

Mr. PETERSON of Pennsylvania. To the gentleman from Iowa, do you know of any energy bills scheduled for this week?

Mr. KING of Iowa. I do not.

Mr. PETERSON of Pennsylvania. Do you know of any energy bills scheduled for next week and the week after, before we go on the August recess?

Mr. KING of Iowa. I believe we will be going home for the August recess having done nothing with energy.

Mr. PETERSON of Pennsylvania. I would have to think, if I was a citizen back home knowing just a fraction of what I know now, I would be one angry citizen. Because this Congress, like the 14 Congresses in succession, have done little to formulate an energy policy for America and produce available, affordable energy. And it's doable, it's something we can do.

Mr. KING of Iowa. I would ask the gentleman from Pennsylvania if he would support a policy like this energy pie chart that I've advocated.

Mr. PETERSON of Pennsylvania. Oh, absolutely.

Mr. KING of Iowa. More energy of all kinds. Supply and demand does affect the marketplace. If we put more Btus on the market, we will have lower price energy of all kinds. And we need to prioritize the utilization of that energy, bring the nuclear in to replace the gas, let the gas drive our economy, the natural gas drive our economy. And we can do this and it will be painful. JOHN PETERSON is exactly right.

I yield.

Mr. PETERSON of Pennsylvania. We heat 63 million homes, we heat five million small businesses, and a quarter of a million industrial companies use natural gas in great numbers, and they're all going to get hammered this year. Our hospitals and our schools are going to pay twice as much as last year.

Mr. KING of Iowa. Commonsense solutions delivered here on this floor, Mr. Speaker. And I appreciate your attention to all of this. And I imagine we have swayed you considerably as you paid attention to the arguments of the gentleman from Pennsylvania and myself.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. GINNY BROWN-WAITE of Florida (at the request of Mr. BOEHNER) for July 8 and the balance of the week on account of family reasons.

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. MCDERMOTT) to revise and extend their remarks and include extraneous material:)

Mr. SKELTON, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. SNYDER, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. LOEBSACK, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, July 16.

Mr. JONES of North Carolina, for 5 minutes, July 16.

Mr. SHUSTER, for 5 minutes, July 10.

Mrs. BACHMANN, for 5 minutes, today.

Mr. PETERSON of Pennsylvania, for 5 minutes, today.

Mr. BROUN of Georgia, for 5 minutes, July 10.

ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 802. An act to amend the Act to Prevent Pollution from Ships to implement MARPOL Annex VI.

H.R. 3721. An act to designate the facility of the United States Postal Service located at 1190 Lorena Road in Lorena, Texas, as the ''Marine Gunnery Sgt. John D. Fry Post Office Building''.

H.R. 3891. An act 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.

H.R. 4185. An act to designate the facility of the United States Postal Service located at 11151 Valley Boulevard in El Monte, California, as the ''Marisol Heredia Post Office Building''.

H.R. 5168. An act to designate the facility of the United States Postal Service located at 19101 Cortez Boulevard in Brooksville, Florida, as the ''Cody Grater Post Office Building''.

H.R. 5395. An act to designate the facility of the United States Postal Service located at 11001 Dunklin Drive in St. Louis, Missouri, as the ''William 'Bill' Clay Post Office Building''.

H.R. 5479. An act to designate the facility of the United States Postal Service located at 117 North Kidd Street in Ionia, Michigan, as the ''Alonzo Woodruff Post Office Building''.

H.R. 5517. An act to designate the facility of the United States Postal Service located at 7231 FM 1960 in Humble, Texas, as the ''Texas Military Veterans Post Office''.

H.R. 5528. An act to designate the facility of the United States Postal Service located at 120 Commercial Street in Brockton, Massachusetts, as the ''Rocky Marciano Post Office Building''.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Thursday, July 10, 2008, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7377. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting an annual report entitled, ''Defense Acquisition Challenge Program: Fiscal Year 2007,'' pursuant to 10 U.S.C. 2359b(j); to the Committee on Armed Services.

7378. A letter from the Secretary, Department of Defense, transmitting letter on the approved retirement of General Teed M. Moseley, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

7379. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the grade of major general in accordance with title 10, United

States Code, section 777; to the Committee on Armed Services.

7380. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the grade of brigadier general accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

7381. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received June 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7382. A letter from the Acting Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Internal Control Over Financial Reporting in Exchange Act Periodic Reports of Non-Accelerated Filers [Release Nos. 33-8934; 34-58028; File No. S7-06-03] (RIN: 3235-AJ64) received July 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7383. A letter from the Department of Labor, transmitting the Department's final rule — Default Investment Alternatives Under Participant Directed Individual Account Plans (RIN: 1210-AB10) received June 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

7384. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Energy Planning and Management Program; Integrated Resource Planning Rules (RIN: 1901-AB24) received June 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7385. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Hazard Education Before Renovation of Target Housing; State of Colorado Authorization Application [EPA-HQ-OPPT-2007-0698; FRL-8352-3] received June 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7386. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — List of Approved Spent Fuel Storage Casks: HI-STORM 100 Revision 5 [NRC-2008-0013] (RIN: 3150-AI24) received June 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7387. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

7388. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-54 concerning the Department of the Air Force's proposed Letter(s)of Offer and Acceptance to Pakistan for defense articles and services; to the Committee on Foreign Affairs.

7389. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-45 concerning the Department of the Air Force's proposed Letter(s)of Offer and Acceptance to Korea for defense articles and services; to the Committee on Foreign Affairs.

7390. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of military equipment to the Government of Turkey (Transmittal No. DDTC 065-08); to the Committee on Foreign Affairs.

7391. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of military equipment to the Government of the United Kingdom (Transmittal No. DDTC 042-08); to the Committee on Foreign Affairs.

7392. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of defense articles and services to the Government of Mexico (Transmittal No. DDTC 072-08); to the Committee on Foreign Affairs.

7393. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's certification of rescission of North Korea's designation as a State Sponsor of Terrorism; to the Committee on Foreign Affairs.

7394. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107-243), the Authorization for the Use of Force Against Iraq Resolution (Pub. L. 102-1), and in order to keep the Congress fully informed, a report prepared by the Department of State for the April 15, 2008 — June 15, 2008 reporting period including matters relating to post-liberation Iraq under Section 7 of the Iraq Liberation Act of 1998 (Pub. L. 105-338); to the Committee on Foreign Affairs.

7395. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of military equipment to the Government of the United Kingdom (Transmittal No. DDTC 004-08); to the Committee on Foreign Affairs.

7396. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification regarding the manufacture of military equipment abroad and the export of defense articles or defense services to the Government of Canada (Transmittal No. DDTC 041-08); to the Committee on Foreign Affairs.

7397. A letter from the Director, Office of Personnel Management, transmitting a report on the Physicians' Comparability Allowance Program for fiscal year 2008, pursuant to 5 U.S.C. 5948(j); to the Committee on Oversight and Government Reform.

7398. A letter from the Secretary, Department of Transportation, transmitting the Semiannual Report of the Office of Inspector General for the period ending March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

7399. A letter from the Chair, CPB Board of Directors, Corporation for Public Broadcasting, transmitting the semiannual report of the Office of the Inspector General for the period ending March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

7400. A letter from the Acting Chief Acquisition Officer & Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-26; Introduction [Docket FAR-2008-003, Sequence 1] received July 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

7401. A letter from the Assistant Secretary for Administration, Department of Transportation, transmitting a copy of the inventories of commercial and inherently governmental positions in the Department of Transportation, as required by the Federal Activities Inventory Reform Act of 1998; to the Committee on Oversight and Government Reform.

7402. A letter from the Vice President and Controller, Federal Home Loan Bank of Des Moines, transmitting the 2007 management report and statements on system of internal controls of the Federal Home Loan Bank of Des Moines, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

7403. A letter from the Senior Vice President and Chief Financial Officer, Federal Home Loan Bank of San Francisco, transmitting the 2007 management report and statements on system of internal controls of the Federal Home Loan Bank of San Francisco, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

7404. A letter from the Inspector General, General Services Administrion, transmitting the Administration's Semiannual Report presenting significant activities of the Office of Inspector General during the 6-month period ending March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

7405. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Dover-Foxcroft, ME. [Docket No. FAA-2008-0066; Airspace Docket No. 08-ANE-97] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7406. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment and Removal of Class E Airspace; Centre, AL [Docket No. FAA-2007-29157; Airspace Docket 07-ASO-23] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7407. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Bridgton, ME. [Docket No. FAA-2008-0064; Airspace Docket No. 08-ANE-95] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7408. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Rumford, ME. [Docket No. FAA-2008-0063; Airspace Docket No. 08-ANE-94] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7409. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Carrabassett, ME [Docket No. FAA-2008-0065; Airspace Docket No. 08-ANE-96] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7410. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Winona, MS [Docket No. FAA-2007-29260; Airspace Docket 07-ASO-24] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7411. A letter from the Program Analyst, Department of Transportation, transmitting

the Department's final rule — Establishment of Class E Airspace; Stonington, ME [Docket No. FAA-2008-0062; Airspace Docket No. 08-ANE-93] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7412. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace; Sherman, Texas [Docket No. FAA-2007-29374; Airspace Docket No. 07-ASW-11] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7413. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Sunbury, PA [Docket No. FAA-2008-0162; Airspace Docket No. 08-AEA-15] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7414. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Susquehanna, PA [Docket No. FAA-2008-0161; Airspace Docket No. 08-AEA-14] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7415. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Walden, CO [Docket No. FAA-2007-0205; Airspace Docket No. 07-ANM-17] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7416. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Black River Falls, WI [Docket No. FAA-2008-0024; Airspace Docket No. 08-AGL-4] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7417. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Indianapolis, IN [Docket No. FAA-2008-0163; Airspace Docket No. 08-AGL-2] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7418. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; New Albany, MS [Docket No. FAA-2007-0161; Airspace Docket No. 07-ASO-25] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7419. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Lewistown, PA [Docket No. FAA-2007-0274; Airspace Docket No. 07-AEA-14] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7420. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Stonington, ME [Docket No. FAA-2008-0062; Airspace Docket No. 08-ANE-93] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7421. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Dover-Foxcroft, ME. [Docket No. FAA-2008-0066; Airspace Docket No. 08-ANE-97] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7422. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class Airspace; Carrabassett, ME [Docket No. FAA-2008-0065; Airspace Docket No. 08-ANE-96] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7423. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Rockport, ME [Docket No. FAA-2008-0067; Airspace Docket No. 08-ANE-98] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7424. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Low Altitude Area Navigation Routes (T-Routes); St. Louis, MO [Docket No. FAA-2007-0060; Airspace Docket No. 07-ACE-1] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7425. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Beneficiary Travel Under 38 U.S.C. 111 Within the United States (RIN: 2900-AM02) received July 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

7426. A letter from the Branch Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 108.-Income from Discharge of Indebtedness (Rev. Rul. 2008-34) received June 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7427. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 1274.—-Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Also Sections 42, 280G, 382, 412, 467, 468, 482, 483, 642, 807, 846, 1288, 7520, 7872.) (Rev. Rul. 2008-33) received June 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7428. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Capital Costs Incurred to Comply With EPA Sulfur Regulations [TD 9404] (RIN: 1545-BE97) received July 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7429. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Section 807.-Rules for certain reserves (Rev. Rul. 2008-37) received July 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7430. A letter from the Chief, Publications and Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Employment Tax Adjustments [TD 9405] (RIN: 1545-BG50) received July 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7431. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Guidance Under Section 956 for Determining the Basis of Property Acquired in Certain Nonrecognition Transactions [TD 9402] (RIN: 1545-BH58) received June 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7432. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.601: Rules and regulations (Also Part 1, 103, 148; 1.148-3, 1.148-13T) Claims for Recovery of Overpayments of Arbitrage Rebate and Similar Payments on Tax-exempt Bonds (Rev. Proc. 2008-37) received June 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7433. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Optional Standard Mileage Rates [Announcement 2008-63] received June 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7434. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — China Earthquake Occurring in May 2008 Designated as a Qualified Disaster under 139 of the Internal Revenue Code [Notice 2008-57] received June 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7435. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Guidance Under Section 664 Regarding the Effect of Unrelated Business Taxable Income on Charitable Remainder Trusts [TD 9403] (RIN: 1545-BH02) received June 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7436. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Appeals Settlement Guidelines Methane Gas Project (IRC 29 Credit) Credit for Fuel from a Nonconventional Source (FNS) [UIL No. 0029.06-00] received June 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 4174. A bill to establish an interagency committee to develop an ocean acidification research and monitoring plan and to establish an ocean acidification program within the National Oceanic and Atmospheric Administration; with an amendment (Rept. 110–749). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. WASSERMAN SCHULTZ (for herself, Mrs. EMERSON, Mr. BAIRD, Mr. BLUMENAUER, Mr. COOPER, Mr. DAVIS of Alabama, Mr. ENGLISH of Pennsylvania, Ms. ESHOO, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HINOJOSA, Ms. HOOLEY, Mr. LIPINSKI, Mr. MEEK of Florida, Mr. MORAN of Virginia, Mr. SNYDER, Ms. TSONGAS, Mr. WELCH of Vermont, Mr. WU, Mr. DICKS, and Ms. ROS-LEHTINEN):

H.R. 6444. A bill to provide affordable, guaranteed private health coverage that will make Americans healthier and can never be taken away; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, and Oversight and Government Reform, 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. CAZAYOUX (for himself, Ms. CORRINE BROWN of Florida, Mr. FILNER, Mr. HARE, and Mr. MICHAUD):

H.R. 6445. A bill to amend title 38, United States Code, to prohibit the Secretary of

Veterans Affairs from collecting certain copayments from veterans who are catastrophically disabled; to the Committee on Veterans' Affairs.

By Mr. TIM MURPHY of Pennsylvania (for himself and Mr. ALTMIRE):

H.R. 6446. A bill to amend title 49, United States Code, to require air carriers to establish reduced air fares and more flexible terms for members of the Armed Forces on active duty; to the Committee on Transportation and Infrastructure.

By Mrs. BOYDA of Kansas (for herself and Mr. MORAN of Kansas):

H.R. 6447. A bill to amend the Internal Revenue Code of 1986 to restore the Highway Trust Fund balance; to the Committee on Ways and Means.

By Mr. CARNEY (for himself and Mr. PLATTS):

H.R. 6448. A bill to amend the Internal Revenue Code of 1986 to provide a refundable credit for taxpayers with long-term care needs; to the Committee on Ways and Means.

By Mr. FLAKE:

H.R. 6449. A bill to provide opportunities for continued recreational shooting on certain Federal public land; to the Committee on Natural Resources.

By Mr. HODES (for himself and Mr. PERLMUTTER):

H.R. 6450. A bill to establish a revolving loan fund to provide loans to States and Indian tribes to provide incentives to undertake activities to provide renewable energy sources for housing and other structures; to the Committee on Financial Services, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MILLER of Michigan:

H.R. 6451. A bill to direct the Administrator of the Environmental Protection Agency to convene a task force to develop recommendations on the proper disposal of unused pharmaceuticals, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BRADY of Texas (for himself, Mr. WELLER, Mr. BLUNT, Ms. ROS-LEHTINEN, Mr. MCCRERY, Mr. HERGER, and Mr. DREIER):

H. Con. Res. 389. Concurrent resolution varo Uribe for the safe return of the Americans held hostage by the Revolutionary Armed Forces of Colombiaombian President; to the Committee on Foreign Affairs.

By Mr. MCHENRY (for himself, Mr. COBLE, Mr. PRICE of North Carolina, Mr. WATT, Mrs. MYRICK, Mr. JONES of North Carolina, Mr. MCINTYRE, Mr. ETHERIDGE, Mr. HAYES, Mr. MILLER of North Carolina, Mr. BUTTERFIELD, Ms. FOXX, Mr. SHULER, Mr. ISSA, Mr. FEENEY, Mr. CULBERSON, Mr. SAM JOHNSON of Texas, Mr. GOODLATTE, Mr. ADERHOLT, Mr. GINGREY, Mr. STEARNS, Mr. GOODE, and Mr. BURTON of Indiana):

H. Res. 1325. A resolution honoring the life of Jesse Alexander Helms, Jr., distinguished former Senator from North Carolina; to the Committee on House Administration.

By Ms. WATERS (for herself, Ms. WOOLSEY, and Ms. LEE):

H. Res. 1326. A resolution calling on the President to respect and honor Iraq's sovereignty; to the Committee on Armed Services.

By Mr. NUNES (for himself, Mr. COSTA, Mr. RADANOVICH, Mr. CARDOZA, Mr. WALDEN of Oregon, Mr. DREIER, Mrs. NAPOLITANO, Mr. ISSA, Mr. CALVERT, Mr. MCCARTHY of California, Mr. ROHRABACHER, Mr. MCNERNEY, Mr. TERRY, Mr. YOUNG of Alaska, Ms. ROYBAL-ALLARD, Mr. HONDA, Mr. THOMPSON of California, Mr. SHIMKUS, Mr. DOOLITTLE, Mr. BILBRAY, Mr. BERMAN, Mr. GEORGE MILLER of California, Mr. BOOZMAN, Mr. LEWIS of California, Mrs. BONO MACK, Mr. CAMPBELL of California, and Mr. HERGER):

H. Res. 1327. A resolution congratulating the 2008 National Collegiate Athletic Association (NCAA) Division I Baseball Champions, the Fresno State Bulldogs, on an outstanding and historic season; to the Committee on Education and Labor.

By Mr. PLATTS (for himself and Mr. CUMMINGS):

H. Res. 1328. A resolution supporting the goals and ideals of National Pancreatic Cancer Awareness Month; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 154: Ms. ROYBAL-ALLARD.
H.R. 303: Mrs. MALONEY of New York.
H.R. 333: Mr. MORAN of Virginia.
H.R. 334: Mr. SHAYS.
H.R. 462: Ms. ESHOO.
H.R. 463: Mr. ROSS.
H.R. 552: Mr. MANZULLO.
H.R. 690: Mr. PEARCE and Mr. KANJORSKI.
H.R. 699: Mr. CRENSHAW, Mr. KING of New York, and Mr. LATTA.
H.R. 715: Ms. RICHARDSON.
H.R. 741: Mr. CASTLE.
H.R. 768: Mr. MARSHALL.
H.R. 808: Mr. GILCHREST.
H.R. 997: Mr. SCALISE.
H.R. 1023: Mr. COLE of Oklahoma, Mr. WITTMAN of Virginia, and Mrs. MILLER of Michigan.
H.R. 1153: Mrs. SCHMIDT.
H.R. 1188: Mr. CONYERS.
H.R. 1283: Ms. WATERS, Ms. LINDA T. SÁNCHEZ of California, and Mr. ENGEL.
H.R. 1320: Mr. CLAY.
H.R. 1390: Mr. POE.
H.R. 1399: Mr. HODES.
H.R. 1589: Mr. HAYES.
H.R. 1606: Mr. KAGEN and Ms. WOOLSEY.
H.R. 1671: Mr. MCHUGH and Mr. PETERSON of Minnesota.
H.R. 1673: Ms. MATSUI.
H.R. 1776: Mrs. CHRISTENSEN and Mr. KAGEN.
H.R. 1783: Ms. HOOLEY.
H.R. 1846: Mr. COHEN.
H.R. 1921: Mr. KANJORSKI.
H.R. 1927: Mr. HAYES.
H.R. 2032: Mr. HASTINGS of Florida.
H.R. 2043: Mr. KIND.
H.R. 2116: Mr. PETERSON of Pennsylvania, Mr. MORAN of Virginia, Mrs. TAUSCHER, and Mrs. JONES of Ohio.
H.R. 2167: Mr. FEENEY.
H.R. 2205: Mr. NUNES.
H.R. 2260: Mr. WALSH of New York.
H.R. 2275: Mr. COLE of Oklahoma.
H.R. 2549: Mr. CLAY.
H.R. 2668: Mr. FRANK of Massachusetts.
H.R. 2792: Mr. SHERMAN.
H.R. 2833: Ms. LEE.
H.R. 2880: Mrs. MYRICK.
H.R. 3014: Mr. SNYDER.
H.R. 3036: Mr. MEEKS of New York.
H.R. 3094: Mr. ROTHMAN and Ms. SUTTON.
H.R. 3175: Mrs. JONES of Ohio and Mrs. TAUSCHER.
H.R. 3257: Mr. POMEROY.
H.R. 3299: Mr. LAMBORN.
H.R. 3329: Mr. BISHOP of Georgia.
H.R. 3404: Mrs. MALONEY of New York.
H.R. 3750: Mr. CAPUANO.
H.R. 3753: Mr. HALL of Texas.
H.R. 3980: Mr. UDALL of Colorado.
H.R. 4048: Mr. TOWNS.
H.R. 4093: Mr. FARR, Mr. CLAY, Mr. WAXMAN, Mr. GONZALEZ, and Ms. HIRONO.
H.R. 4126: Mr. MICHAUD.
H.R. 4141: Mr. SHULER.
H.R. 4157: Mr. ROGERS of Alabama.
H.R. 4173: Ms. HIRONO.
H.R. 4236: Mr. MILLER of North Carolina, Ms. LORETTA SANCHEZ of California, and Mr. DAVIS of Alabama.
H.R. 4318: Mr. ABERCROMBIE.
H.R. 4355: Mr. MILLER of North Carolina.
H.R. 4453: Mr. MEEKS of New York.
H.R. 4460: Mr. BILBRAY.
H.R. 4461: Mr. JONES of North Carolina.
H.R. 4544: Mr. REICHERT and Mr. LAHOOD.
H.R. 4775: Mr. BERMAN and Ms. HIRONO.
H.R. 4900: Mr. WELCH of Vermont.
H.R. 4990: Mr. CONYERS and Ms. DEGETTE.
H.R. 5160: Mr. DAVIS of Alabama.
H.R. 5175: Mr. LATTA.
H.R. 5176: Mr. UPTON and Mrs. EMERSON.
H.R. 5235: Mr. SHAYS, Mr. SOUDER, Mr. BURTON of Indiana, Mr. WESTMORELAND, Mr. CANNON, Mr. ROHRABACHER, Mr. DANIEL E. LUNGREN of California, Mr. BILBRAY, Mr. NUNES, Mr. BOEHNER, Mr. CARTER, Mr. CANTOR, Mr. DREIER, Mr. PUTNAM, Ms. GRANGER, Mr. CAMP of Michigan, Mr. TERRY, Mr. CASTLE, Mr. KLINE of Minnesota, Mr. HOBSON, Mr. BARTLETT of Maryland, Mr. KUHL of New York, Mr. BURGESS, Mr. BROWN of South Carolina, Mr. TIBERI, Mrs. BLACKBURN, Mr. GOODE, Mr. GOODLATTE, Mr. LEWIS of California, Mr. ROYCE, Mr. WALSH of New York, Mr. TIAHRT, Mr. HUNTER, Mr. MCKEON, Mr. HERGER, Mr. GARY G. MILLER of California, Mr. BUYER, Mr. FRANKS of Arizona, Mr. SESSIONS, Mr. WALDEN of Oregon, Mr. HOEKSTRA, Mr. BRADY of Texas, Mr. KING of Iowa, Mr. MANZULLO, Mr. RADANOVICH, Mr. MICA, Mr. ISSA, Mr. SMITH of New Jersey, Mrs. WILSON of New Mexico, Mr. KINGSTON, Mr. UPTON, Mr. FEENEY, Mr. PENCE, Mr. TANCREDO, Mr. REGULA, Mr. ALEXANDER, Mr. LAHOOD, Mr. GOHMERT, Mr. KELLER, Mr. NEUGEBAUER, Mr. COBLE, Mr. COLE of Oklahoma, Mr. WILSON of South Carolina, Mr. HAYES, Mr. CONAWAY, Mr. SHIMKUS, Mr. ROGERS of Kentucky, Mr. DUNCAN, Mr. WAMP, Mr. KIRK, Ms. FOXX, Mr. CHABOT, Mr. SHADEGG, Mr. SMITH of Nebraska, Mr. LATOURETTE, Mr. SAM JOHNSON of Texas, Mr. EHLERS, Mr. LUCAS, Mrs. BONO MACK, Mr. MACK, Mr. LATHAM, Mr. FOSTER, Mr. WELLER, Mr. BILIRAKIS, Mr. LINDER, Mr. ROGERS of Michigan, Mr. COSTELLO, Mr. CAMPBELL of California, Mr. JACKSON of Illinois, Mr. MCCOTTER, Mr. RAMSTAD, Mr. DOOLITTLE, Mr. MCNULTY, Mr. WHITFIELD of Kentucky, Mr. MCHENRY, Mr. CRAMER, Mr. KIND, Mr. POE, Mr. SMITH of Texas, Mr. HALL of Texas, Mr. EVERETT, Mr. MCCRERY, Mr. BAIRD, Mr. RYAN of Wisconsin, Mr. SENSENBRENNER, Mr. PITTS, and Mr. SAXTON.
H.R. 5265: Mr. EHLERS, Mr. DAVIS of Illinois, Ms. WOOLSEY, Mr. TIM MURPHY of Pennsylvania, Mr. MCNERNEY, Ms. ESHOO, and Mr. HONDA.
H.R. 5445: Mr. SMITH of Nebraska.
H.R. 5446: Mr. MCCOTTER and Mr. SPRATT.
H.R. 5447: Ms. MATSUI and Mr. VAN HOLLEN.
H.R. 5564: Mrs. MILLER of Michigan.
H.R. 5580: Mr. FARR.
H.R. 5606: Mr. EHLERS and Mrs. DAVIS of California.
H.R. 5611: Mr. PUTNAM, Ms. BORDALLO, and Mr. HINOJOSA.
H.R. 5629: Mr. BRADY of Pennsylvania.
H.R. 5646: Mr. WOLF.
H.R. 5652: Mrs. DRAKE and Mr. BILBRAY.
H.R. 5672: Mr. FORTUÑO.
H.R. 5674: Mr. CHABOT.
H.R. 5714: Mr. JOHNSON of Georgia, Mr. FORTUÑO, Mr. MOORE of Kansas, Mr. PASTOR, Mr. HINOJOSA, Mr. FILNER, Mr. WHITFIELD of

Kentucky, Mr. SHULER, Mr. WALZ of Minnesota, and Mr. CHABOT.

H.R. 5734: Mr. MICHAUD.

H.R. 5748: Mr. PRICE of North Carolina.

H.R. 5756: Mr. SIRES.

H.R. 5759: Mr. LATTA.

H.R. 5769: Mr. GOODLATTE.

H.R. 5772: Mr. ROTHMAN, Ms. SCHAKOWSKY, and Mr. ALTMIRE.

H.R. 5780: Mr. MCINTYRE.

H.R. 5794: Mr. GOODLATTE.

H.R. 5823: Mr. ENGEL, Mr. SHAYS, and Mr. HIGGINS.

H.R. 5868: Mr. ROGERS of Kentucky and Mr. CHABOT.

H.R. 5892: Mr. COSTELLO, Mr. GOODLATTE, Ms. WOOLSEY, and Mr. WEINER.

H.R. 5895: Mrs. BOYDA of Kansas.

H.R. 5936: Mr. WOLF.

H.R. 5942: Mr. UDALL of Colorado.

H.R. 5946: Mr. FRANK of Massachusetts and Ms. SCHAKOWSKY.

H.R. 5979: Mr. CONYERS, Mr. ISRAEL, and Ms. DEGETTE.

H.R. 6034: Mr. BILBRAY.

H.R. 6044: Mr. TERRY.

H.R. 6045: Mr. SHERMAN, Mr. HELLER, Mr. JOHNSON of Illinois, and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 6083: Mr. TURNER.

H.R. 6107: Mr. LUCAS, Mr. WALDEN of Oregon, Mr. LATHAM, Mr. MARCHANT, Mr. KING of New York, Mr. WELDON of Florida, Mr. WOLF, Mr. MARIO DIAZ-BALART of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. DANIEL E. LUNGREN of California, Mr. GARY G. MILLER of California, and Mr. PORTER.

H.R. 6108: Mr. LATHAM and Mr. ADERHOLT.

H.R. 6127: Mr. JACKSON of Illinois and Mr. TOWNS.

H.R. 6140: Mr. MCNERNEY.

H.R. 6168: Mr. SKELTON.

H.R. 6169: Mr. SKELTON.

H.R. 6194: Mr. UPTON.

H.R. 6195: Mr. DENT, Mr. DOYLE, and Mr. PLATTS.

H.R. 6199: Mrs. MCCARTHY of New York and Ms. VELÁZQUEZ.

H.R. 6205: Mr. ELLISON and Mr. HONDA.

H.R. 6207: Mr. FRANKS of Arizona, Mr. KUHL of New York, Mr. BARRETT of South Carolina, Mr. SHIMKUS, Mr. WESTMORELAND, Ms. FOXX, Mrs. BLACKBURN, Mr. ISSA, Mr. BISHOP of Utah, Mrs. SCHMIDT, Mrs. MUSGRAVE, and Mr. PITTS.

H.R. 6208: Mr. SKELTON.

H.R. 6209: Ms. SCHAKOWSKY, Mr. FARR, and Ms. LORETTA SANCHEZ of California.

H.R. 6210: Mr. BRALEY of Iowa, Mr. JACKSON of Illinois, and Mr. ELLSWORTH.

H.R. 6214: Mr. NUNES and Mr. FOSSELLA.

H.R. 6215: Mr. YOUNG of Alaska.

H.R. 6220: Mr. HAYES.

H.R. 6274: Mr. WILSON of South Carolina.

H.R. 6286: Mr. NUNES.

H.R. 6288: Mr. NUNES.

H.R. 6292: Mr. LATHAM.

H.R. 6293: Mr. REYES, Mr. CARTER, Mr. COSTELLO, and Mr. LAMPSON.

H.R. 6294: Mr. BILIRAKIS.

H.R. 6309: Mr. FATTAH, Ms. MOORE of Wisconsin, and Ms. KILPATRICK.

H.R. 6310: Mr. ALTMIRE and Mr. PETERSON of Minnesota.

H.R. 6321: Mr. KING of New York.

H.R. 6330: Mr. MORAN of Virginia and Mr. BACA.

H.R. 6334: Mr. SIRES, Mr. HINCHEY, Mr. ALTMIRE, Mr. HODES, and Ms. HIRONO.

H.R. 6353: Mr. LEVIN.

H.R. 6371: Mr. DAVIS of Alabama and Mr. GENE GREEN of Texas.

H.R. 6375: Mr. MARSHALL.

H.R. 6407: Mr. UPTON.

H.R. 6429: Mr. DELAHUNT and Mr. HODES.

H.J. Res. 79: Mr. ALLEN, Mr. JACKSON of Illinois, Mr. HONDA, Ms. MOORE of Wisconsin, Ms. ESHOO, and Mr. LEVIN.

H.J. Res. 96: Mr. BOEHNER and Mr. BLUNT.

H. Con. Res. 24: Mr. CLAY, Ms. BORDALLO, Mrs. CHRISTENSEN, and Mr. BUTTERFIELD.

H. Con. Res. 137: Mrs. MUSGRAVE.

H. Con. Res. 296: Mr. POE, Mr. WAMP, Mr. UPTON, Mr. TERRY, Mr. MCHUGH, Mr. CANNON, Mr. DOYLE, Mr. KUHL of New York, Mr. STEARNS, Mr. WELLER, Mr. CAMP of Michigan, Mr. FOSSELLA, Mr. PICKERING, Mr. HALL of New York, Mrs. CAPITO, Mr. BURGESS, and Mr. TAYLOR.

H. Con. Res. 341: Mr. BRALEY of Iowa and Mr. GORDON.

H. Con. Res. 362: Mrs. EMERSON, Mr. MACK, Mrs. MYRICK, Mr. HASTINGS of Washington, Mrs. BACHMANN, Ms. BEAN, Ms. GIFFORDS, Ms. SLAUGHTER, Mr. BUCHANAN, Mr. WALDEN of Oregon, Mr. CHILDERS, and Mr. YOUNG of Alaska.

H. Con. Res. 369: Mr. BILBRAY.

H. Con. Res. 371: Mr. HODES.

H. Con. Res. 375: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ISRAEL, and Mr. CULBERSON.

H. Con. Res. 380: Ms. WOOLSEY and Mr. HONDA.

H. Con. Res. 385: Mr. GALLEGLY and Mr. POE.

H. Con. Res. 386: Mr. SHAYS and Mr. BURTON of Indiana.

H. Con. Res. 388: Mr. PUTNAM, Mr. WILSON of South Carolina, and Mr. MCCAUL of Texas.

H. Res. 337: Mr. HINCHEY.

H. Res. 504: Mr. CULBERSON.

H. Res. 655: Mr. CLAY and Ms. BORDALLO.

H. Res. 858: Ms. MATSUI, Mr. ALTMIRE, Mr. BUTTERFIELD, Mr. RUSH, and Ms. CORRINE BROWN of Florida.

H. Res. 1006: Mr. SKELTON.

H. Res. 1045: Ms. WATSON.

H. Res. 1088: Mr. WALSH of New York.

H. Res. 1116: Mr. BRADY of Pennsylvania.

H. Res. 1128: Mr. KING of Iowa, Mr. MCKEON, Mr. PEARCE, Mr. FORBES, Mr. BROWN of South Carolina, Mr. DAVIS of Kentucky, and Ms. FALLIN.

H. Res. 1143: Mr. HALL of New York, Mr. DENT, Mr. INSLEE, Mr. DICKS, and Mr. MOORE of Kansas.

H. Res. 1200: Mr. MCDERMOTT.

H. Res. 1202: Mr. SULLIVAN, Ms. SHEA-PORTER, and Mr. ISSA.

H. Res. 1227: Mr. CROWLEY and Ms. BALDWIN.

H. Res. 1239: Mr. WAXMAN.

H. Res. 1245: Mr. ALLEN, Mr. DEFAZIO, Mr. HODES, Mr. LYNCH, Mr. MCCOTTER, Ms. SLAUGHTER, and Mr. STARK.

H. Res. 1273: Mr. MCCOTTER.

H. Res. 1279: Mr. SIMPSON.

H. Res. 1282: Ms. GRANGER, Mr. WAMP, Mr. MCHUGH, and Mr. BOUSTANY.

H. Res. 1286: Mr. MEEKS of New York.

H. Res. 1300: Ms. LEE and Ms. CASTOR.

H. Res. 1302: Mr. COSTA, Mr. SULLIVAN, Mr. KING of Iowa, Mrs. MYRICK, and Mr. SALI.

H. Res. 1303: Ms. ESHOO.

H. Res. 1306: Mr. AKIN, Mr. GINGREY, Mr. MITCHELL, Mr. GOODE, Mr. BRADY of Pennsylvania, Mr. WAMP, Ms. GIFFORDS, Mr. FALEOMAVAEGA, Mr. WILSON of South Carolina, Mr. JOHNSON of Illinois, Mr. PLATTS, Mr. BURTON of Indiana, Mr. MARSHALL, and Ms. GRANGER.

H. Res. 1311: Mr. AL GREEN of Texas, Mr. FILNER, Mr. NEAL of Massachusetts, Mr. UDALL of Colorado, Mr. YOUNG of Alaska, Mr. COLE of Oklahoma, Mr. BISHOP of Georgia, Ms. LORETTA SANCHEZ of California, Mr. WALSH of New York, Mr. MEEKS of New York, Mr. DOYLE, Mr. GOODE, Mr. GENE GREEN of Texas, Mr. THOMPSON of Mississippi, Mr. ORTIZ, Mr. LEWIS of California, Ms. SCHWARTZ, Mr. BRADY of Pennsylvania, Mr. FOSSELLA, Ms. WATSON, Mr. MORAN of Virginia, Mr. CUMMINGS, Mr. TOWNS, and Mr. WATT.

H. Res. 1313: Mr. EHLERS.

H. Res. 1314: Mr. WAXMAN, Ms. GIFFORDS, and Mr. CROWLEY.

H. Res. 1322: Mr. CARDOZA, Mr. WAXMAN, Mr. MCNERNEY, Mr. FILNER, Mrs. Davis of California, Mr. GEORGE MILLER of California, Ms. ROYBAL-ALLARD, Ms. SPEIER, Mr. STARK, Ms. WATERS, Ms. WATSON, Ms. WOOLSEY, Ms. Linda T. Sánchez of California, Ms. RICHARDSON, Mr. BECERRA, Mr. SHERMAN, and Mr. RADANOVICH.

H. Res. 1323: Mr. GRIJALVA, Mr. MATHESON, Mr. GEORGE MILLER of California, Mr. SHULER, Mr. TOWNS, Mr. CONYERS, Mr. HONDA, and Mr. PASTOR.

H. Res. 1324: Mr. KILDEE, Ms. BORDALLO, Mr. MORAN of Virginia, Mr. ETHERIDGE, Mr. HALL of Texas, Mr. FARR, Mr. DOGGETT, Mr. ELLISON, Mr. FATTAH, Mr. MCHUGH, and Mr. GERLACH.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative PEARCE, or a designee, to H.R. 1286, the Washington-Rochambeau Revolutionary Route National Historic Trail Designation Act does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Con. Res. 362: Mr. CLAY.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, SECOND SESSION

Vol. 154 WASHINGTON, WEDNESDAY, JULY 9, 2008 No. 112

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, in whose keeping are the destinies of people and nations, You have worked wonders on sea, land, and air. You rule forever and judge the universe from Your throne.

Lord, come into this Chamber and throughout this Senate and endue our fallible minds with Your higher wisdom. Give our Senators the greatness of soul to match the magnitude of our national concerns. Be their fortress in times of trouble. May the critical decisions first be formed in their inmost being before being made in the public forum. Redeem their failures, reward their integrity, transform their tasks into service for You, and crown this day with the benediction of Your peace.

We pray in Your strong 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, July 9, 2008.

To the Senate:

Under the provisions of rule 1, 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 leader remarks, the Senate will resume consideration of the FISA legislation. There will be about 2 hours of debate prior to a series of votes; therefore, Senators should expect a series of up to five votes beginning about 11:15 or 11:30 today.

We have a series of extremely important votes today. Every one of these FISA votes is very important. Likely, most of them will not be very close. That is what I have been told by my staff, but I really don't know whether that is the case. But on these votes, everyone should be here on time. We are getting a little out of the habit of being here on time. If there is a close vote, the Republican leader knows that we hold that open to make sure a vote is not decided because someone is not here if they are in the area. But that is rarely the case. Of all the many votes we have here, there are not too many that are that close. So everyone today should understand that we are going to enforce the 15-minute rule and the 10-minute rule. I hope everyone will be here ready to vote when the time comes.

ORDER OF PROCEDURE

Mr. President, I ask unanimous consent that the vote sequence for amendments with respect to H.R. 6304 be as follows: Dodd, Specter, Bingaman; with all other provisions of the previous order remaining in effect.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—H.R. 6331

Mr. REID. Mr. President, I ask unanimous consent that upon disposition of H.R. 6304; that is, the FISA legislation, the motion to proceed to the motion to reconsider the vote by which cloture was not invoked on the motion to proceed to H.R. 6331 be agreed to, the motion to reconsider be agreed to, and the time until 4 p.m. be for debate prior to a vote on the motion to invoke cloture on the motion to proceed, with the time equally divided and controlled between the leaders or their designees; that at 4 p.m., with no intervening action or debate, the Senate proceed to vote on the motion to invoke cloture.

Before the Chair rules on my request, I would like to make a parliamentary inquiry with reference to an agreement of June 26 with respect to H.R. 6331. Am I correct that if cloture is invoked on the motion to proceed to H.R. 6331, all postcloture time is yielded back and the Senate will then vote on passage of the bill with no intervening action or debate?

The ACTING PRESIDENT pro tempore. The majority leader is correct.

Is there objection to the request of the majority leader? Without objection, it is so ordered.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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FISA AMENDMENTS

Mr. McCONNELL. Mr. President, the one point that I would like to make before we vote later this morning on the various amendments to the Foreign Intelligence Surveillance Act—a law that is aimed at helping us stop terrorists before they can hurt us—is the most important point of all. It also happens to be a fairly straightforward one: adopting any one of these three amendments would kill the underlying bill.

It would risk putting us right back where we were last July, with the August recess approaching, and the authorizations for monitoring foreign terrorist targets set to expire. In that case, if a member of al-Qaida were to call, our ability to monitor his communications would be seriously handicapped, and it may even be impossible for us to do so, at least on a real-time basis.

So the question before the Senate is really quite simple: we either pass this delicately balanced bipartisan bill which gives our intelligence officials the tools they need to find foreign terrorists overseas—which is itself a compromise on the bill the Senate already passed this year by a vote of 68–29, and which will garner a Presidential signature—or we scrap it altogether and end up right back where we were a year ago.

That is our choice. Fix the problem now—finally—or allow the problem that intelligence officials alerted us to more than a year ago continue indefinitely, regardless of the threat.

Just yesterday the White House reiterated its intention to veto any FISA bill that is amended to strip or weaken liability protection for the telecommunication companies that may have helped the Government in the wake of the September 11 attacks.

This means that the adoption of any one of these amendments will take down the entire bill, unraveling more than a year of delicate bipartisan negotiations.

We're not doing these companies any special favors. The U.S. Government wouldn't even have a foreign surveillance program without them. The intelligence community relies on their cooperation to do its job. And any law that makes it less likely that these companies cooperate with us in the future is a law that makes it harder to protect Americans from terrorist attacks.

That is not just my view or the view of Senator BOND on the Republican side. Let me remind my colleagues of what the chairman of the Intelligence Committee told us, quite bluntly, about our responsibilities in this area on the floor of the Senate last February. This is what Senator ROCKEFELLER said:

> What people have to understand around here, he said, is that the quality of the intelligence we are going to be receiving is going to be degraded. It is going to be degraded. It is already going to be degraded as telecommunications companies lose interest. Everybody tosses that around and says: Well, what do you mean? I say: Well, what are they making out of this? What is the big payoff for the telephone companies? Do they get paid a lot of money? No. They get paid nothing. What do they get for this? They get $40 billion worth of suits, grief, trashing, but they do it. But they don't have to do it, because they do have shareholders to respond to, to answer to.
>
> There is going to be a degrading of intelligence in some very crucial areas, because we will go right back to where we were last August, and that will be a further jolt to the telecommunications companies, because they will understand that you cannot count on the Congress, you cannot count on us to make policy which will give [them] stability.

Those are the words of the Democratic chairman of the Intelligence Committee. And I would only add to them that it is our job to make policy in this area. The Senate—and especially its Intelligence Committee—has been examining this issue for over a year. The committee of jurisdiction conducted extensive oversight and concluded that the telecommunications companies acted in good faith in answering the administration's call to help protect the country from terrorist attack.

The Intelligence Committee then passed an overwhelmingly bipartisan bill, 13–2, that protected these companies from potentially crippling lawsuits, which would terminate the program. The full Senate made the same policy judgment, defeating the Feingold-Dodd amendment to strike immunity 67–31, as well as the Specter-Whitehouse substitution amendment 68–30, on its way to passing the bill by a lopsided vote of 68–29.

Further modifications were made to the bill in negotiations with the House, including to the liability provisions. The House leadership—which had been holding up enactment of a FISA modernization law because of the liability question—then voted for this compromise bill, and the compromise cleared the House with almost 300 votes.

Now, after all this legislative time and effort and contemplation, the Bingaman amendment would have us say, ''Just kidding.'' This amendment would punt our oversight and legislative responsibilities over to inspectors general in the executive branch so they can look at the same program that the Intelligence Committee and the Congress have been considering for over a year.

It is ironic that those who are concerned about preserving congressional prerogatives and congressional responsibilities, especially in relation to the executive branch, would have us rely on the judgment of employees of the executive branch before we can make policy, especially after all the work that Congress has done on this subject. We should not kick the can down the road for another 15 months and in the process abdicate our role in this area.

An acceptable bipartisan solution to our intelligence problem has already been reached. That solution has been endorsed by majorities in both houses of Congress. If that solution is compromised by adopting any of these amendments, this bill would not become law, current targeting orders would expire, and the Senate would fail today to do its basic duty of protecting Americans to the fullest extent possible from terrorist attack.

Americans have a right to expect Congress to give our intelligence officials what they need to do their jobs. And the only way we fulfill that trust is by voting against each of these amendments to the FISA modernization bill.

Mr. President, before turning to another subject, I wish to particularly commend the Senator from Missouri, Mr. BOND, who has done an incredibly effective job at trying to traverse the various currents that have surrounded this extraordinarily difficult piece of legislation.

First he established a very good working relationship with Senator ROCKEFELLER, the chairman of the Intelligence Committee. He was an integral part of negotiating and, as I say, kind of dealing with the currents that were going on through the last year.

I just wish to say through the Chair to him how much America owes the Senator from Missouri for his extraordinary work on this subject. America will be safer in the future as a result of the work of the Senator from Missouri. We here in the Senate are deeply grateful for his extraordinary job, and the people of Missouri have every right to be very proud of him.

Mr. BOND. I thank the Senator.

MEMORIAL SERVICE OF SENATOR JESSE HELMS

Mr. McCONNELL. Mr. President, on one other item, yesterday we said goodbye to our former colleague, Senator Jesse Helms. A significant number of our colleagues were in attendance at the funeral in Raleigh. Since his passing was expected, we certainly did not suffer from shock. It was anticipated that our friend and colleague would soon pass away, so in many respects it was a celebration of the life of a unique and great American.

I was honored by Mrs. Helms to be asked to do one of the eulogies at the funeral yesterday. I ask that my remarks be printed in the RECORD for any of our colleagues who might want to see what I had to say on behalf of our friend and colleague yesterday as we bid him farewell.

I ask unanimous consent to have those remarks printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

MEMORIAL SERVICE OF SENATOR JESSE HELMS

REMARKS OF U.S. SENATE REPUBLICAN LEADER MITCH MCCONNELL, JULY 8, 2008

Dot, Jane, Nancy, Charles, members of the Helms family, Mr. Vice President, Senate colleagues, Reverend Bodkin, distinguished guests, and friends of Jesse Alexander Helms.

Many good things have been said about Jesse Helms since he left us early Friday morning. And none, I think, was more true than a note that was sent to the Helms Center over the weekend. ''He was caring about those he knew and didn't know,'' it said. ''He wanted others to succeed.''

In the Senate, he always sought them out. Whether it was the schoolchildren that he met with by the thousands; the staff members he didn't call staff, but family—the Helms Senate family; or the Senate pages he would always stop to talk to, and who would send him notes later on in life to thank him for a kindness, a word of encouragement, or to show him pictures of a newborn baby.

Over the years, anyone who passed by Jesse Helms in the Capitol, or worked in his office, would remember him as one of the kindest men they ever knew. No matter who you were, he always had a thoughtful word and a gentle smile. He put duty above all else—duty to God, to country, and to family, yes—but also a duty that's often overlooked: the simple duty of treating other people well.

He never let the seriousness of his job in the Senate become an excuse for pretense.

Just ask the Senators who always had to make room for Jesse's constituents on the senators-only elevators. Or the tourists from all the other states who noticed that Senator Helms always put visitors from North Carolina at the front of the Senate subway car when he rode with them. Or the constituents who weren't even from North Carolina, but who could always count on the Helms Senate family to help if their own representatives didn't. Their boss always made sure of it.

One of the more notable features of being a member of the U.S. Senate is that you get to see how different the public image of certain well-known senators is from the men and women you actually get to know as colleagues and as friends. No one seemed to suffer more from this peculiar disconnect than Jesse Helms. And no one seemed to care about it less.

I remember walking into his office for the first time and being disarmed by his kindness, and then stepping into his private office and being disarmed again at seeing an entire wall covered with some of the nastiest political cartoons I'd ever seen. Every one was critical of Jesse. And he loved them. Visitors would come into his office, look at the wall, look back at Jesse, and he'd just smile.

There was a lesson here: you can let your adversaries beat you down, or you can let it roll off your back. Jesse taught many of us to do the latter, and we were grateful for the advice.

Staffers learned how to deal with the critics too. One time, after a particularly harsh editorial in the New York Times, a new Helms staffer dashed off a harsh response and brought it in to the boss for his review. Jesse read it, patted the young man on the shoulder, and said, ''Son, just so you understand: I don't care what the New York Times says about me.''

He had a kind of preternatural calm about what other people said. But for Jesse, standing on principle and fighting back in defense of one's views was never to be confused with animosity for ones adversaries. Political disagreements were never a reason to treat others badly. As one of his Democratic colleagues put it over the weekend: ''He was always a gentleman.''

When he fought back, he did it in the most effective way he knew how. Nobody knew the rules of the Senate better than Jesse Helms, and no one used them against his adversaries to more frustrating effect. There's a saying in Washington: Whenever a member of Congress looks into the mirror, he sees a future president. But Jesse Helms was always an exception to the rule. He never saw himself as anything other than a senator. And he played the role masterfully.

Of course, there was one person whose opinion did matter. And, as I recall, she was never one to hold back. If Jesse gave a speech that was a little too long, he'd be sure to hear about it in the car ride home. And, unlike the editorial writers, Jesse always took Dot's wise counsel to heart.

It's ironic, of course, that Jesse Helms would find his wife in a newsroom—ironic that someone who had so little use for newspapers would have started out at one. But he always remembered those early days at the News & Observer fondly. He remembered that the best path to his desk was the path that led him past Dorothy Coble's [COEBULL] desk.

He took that path often. And soon enough, he and Dot were covering the news together, and becoming close friends over late-night steak dinners at the Hollywood Café. Decades later, looking back on all the state dinners and all the visits from various dignitaries and world leaders, Jesse would say those dinners with Dot at the Hollywood Café were, for him, the most memorable.

Dot, you had the perfect partnership. We miss you in Washington. And we honor you today too, for your devotion and your strength, especially in these last years, which haven't been easy, we know.

Jesse Helms was not above sharing the secret of his success with anyone who asked.

One time, a college student who admired him called his office on a whim to see if Senator Helms would be willing to speak to a college group he ran. The boy was shocked when Senator Helms himself cut in on the phone line and said, ''I'll do it.'' But he was shocked even more when, on the day of the speech, he asked Senator Helms for the one piece of advice he'd give a young man just starting out in politics. ''Son, find yourself a good wife.''

It has been noted by many others how fitting it should be for a man who spent his entire adult life talking about the ''Miracle of America'' to pass away on Independence Day. It was no less fitting, I should think, for a man who did so much to promote the vision of the American Founding to have come from as modest a background as so many of the men who secured it in battle.

That too, of course, has always been a part of the Miracle of America: that an army of castaways, one third of whom didn't even have shoes, could defeat the British Army. That a boy from Kentucky whose father couldn't even sign his own name would go on to write the words of the Gettysburg Address. Or that a policeman's son from Monroe, North Carolina, could, in his own time, have such a powerful effect on the course of human events. Jesse Helms rose the way so many others in our country have from its earliest days, not by inheriting something, but by building something.

He was a product of the public schools, but his most important education came from the home. In the Helms household, Jesse said, it was not uncommon for him to wake up and find his mother cooking breakfast for the hobos that his father had rounded up the night before. And on Sundays, the whole family would worship together at the First Baptist Church on Main Street in Monroe.

It was the kind of home where a young boy could learn a boundless hope in the promise of America. It was the kind of place where a young boy could learn about the importance of strong principles, and the importance of fighting for them, regardless of the personal cost.

I remember once, as a young senator, walking into the Republican cloakroom, and seeing what that kind of tenacity looked like: a lone senator, sitting in the corner. Jesse had put the rest of us in some parliamentary tangle about one thing or another. He'd ground the place to a halt. And he was completely comfortable with the whole situation. It was truly something to behold.

Once, after a disastrous early battle in the Revolutionary War, John Adams was asked for an explanation. ''In general,'' he said, ''their generals outgeneralled our generals.'' For the last three decades of the 20th Century, the same would never be said of a certain North Carolina lawmaker whenever he decided to take on an issue in the U.S. Senate. Jesse Helms always held his ground.

Many others who never saw Jesse Helms on the Senate floor have noted with admiration the same qualities over these past days. One man from Florida wrote that Cuban Americans will never forget his staunch opposition to the Castro Regime. And one of Jesse's many unlikely friends on the international stage, Bono, left a tribute at the Helms Center that many men could only dream of.

''Give Dot and the family my love,'' it said. ''And tell them there are two million people alive today in Africa because Jesse Helms did the right thing.''

Today, we are sad at the passing of our friend, but we are consoled by the promises of a God he loved. Jesse Helms was once asked whether he had any ambitions beyond the Senate. ''The only thing I am running for,'' he said, ''is the Kingdom of Heaven.''

Now that day which comes to all of us has come for Jesse Helms. And we are confident that he has heard those words he longed to hear: ''Well done, good and faithful servant . . . Come and share in your Master's joy.''

The ACTING PRESIDENT pro tempore. The majority leader.

FISA

Mr. REID. Mr. President, I wanted to build upon the remarks of the Senator from Kentucky. He commended and applauded Senator BOND, and that certainly is appropriate. But I also want to recognize, as the Republican leader did, the work they have done together. I may disagree with the result of what we have on the floor today, and the outcome of what is going to happen today, but I want everyone to know that Senator ROCKEFELLER is a man who works hard. There is no Senator who works any harder than JAY ROCKEFELLER. He spends, with his counterpart and counterparts, Members of the Intelligence Committee, days, days each week in a place that is secure, away from the press, staff, and the rest of the Senate, in trying to figure out what is going on in the world as it relates to bad people trying to do bad things.

They also have to keep on top of what is going on around the world as the administration advises them. So when the history books are written about this institution, one of the people they will have to write about is the good man of West Virginia, a man of wealth who decided to be a public servant. He has done that for the people of West Virginia for decades. There are a lot of great Senators who have come from the State of West Virginia, and two of them are serving now, but I

want everyone to know that my appreciation, my affection, and my total admiration for JAY ROCKEFELLER is like no other Senator. He is a wonderful human being. I so appreciate his willingness to do this job. Not everyone runs and tries to get to be chairman of the Intelligence Committee, but he does it because he thinks it is the right thing to do for the country. We in the Democratic caucus think there is no one better to lead us in that behalf.

I will simply say that the relationships with Senator BOND and Senator ROCKEFELLER have been extremely pleasant, and that makes this most difficult job better for all of us.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

FISA AMENDMENTS ACT OF 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 6304, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 6304) to amend the Foreign Intelligence Surveillance Act of 1978 to establish procedures for authorizing certain acquisitions of foreign intelligence, and for other purposes.

Pending:

Bingaman amendment No. 5066, to stay pending cases against certain telecommunications companies and provide that such companies may not seek retroactive immunity until 90 days after the date the final report of the inspectors general on the President's surveillance program is submitted to Congress.

Specter amendment No. 5059, to limit retroactive immunity for providing assistance to the United States to instances in which a Federal court determines the assistance was provided in connection with an intelligence activity that was constitutional.

Dodd amendment No. 5064, to strike title II.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I ask unanimous consent to speak on my time, followed immediately by Senator HATCH, who will speak for 10 minutes, and that my remaining time be reserved after that.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. What was the request?

Mr. BOND. The request was that I speak on my time and that Senator HATCH be given 10 minutes.

Mr. REID. Mr. President, is that additional time to what we have?

Mr. BOND. No. That is off of my time.

Mr. REID. I appreciate that. But should we not be going back and forth? Because Senator FEINGOLD has been here waiting.

Mr. BOND. How long will Senator FEINGOLD speak?

Mr. REID. My understanding is 30 minutes.

Mr. BOND. Responding to the distinguished leader, Senator HATCH had to leave a Judiciary Committee hearing. He was only going to speak 10 minutes. And I am going to be about 10 minutes.

Mr. FEINGOLD. As long as my 30 minutes is blocked.

The ACTING PRESIDENT pro tempore. The Senator's time is locked in under the unanimous consent.

Is there objection to the sequence of speakers?

Mr. FEINGOLD. As long as my 30 minutes is reserved so I can speak following the time of the Senator from Utah.

The ACTING PRESIDENT pro tempore. Is there objection to the request as modified?

Without objection, it is so ordered.

The Senator from Missouri.

Mr. BOND. Mr. President, I thank the distinguished leader who has done a remarkable job of helping us to get to this point in what has been, let us say, a challenging 15-month debate. And I concur with him in the very kind and generous words he said about my friend and colleague, the chairman of the committee, Senator ROCKEFELLER.

I expressed my appreciation to the Republican leader for his very kind words, and I agree with him that it is absolutely essential that we defeat these amendments today. But, finally, after sporadic filibuster attempts over a period of 15 months by several Members, Members whom I respect for their tenacity and conviction in this matter, we are poised today to conclude work on the FISA Amendments Act of 2008.

Yesterday I detailed my views on aspects of this legislation, and I walked through six tweaks to the legislation that were made to the bipartisan Senate bill that the Senate passed in February, earlier this year, that have resulted in the bill before us today.

I am happy that the tweaks to the bill did not change the bill much. I am proud to negotiate with the House to bring back to the Senate essentially the same bipartisan bill today that both the chairman and I crafted with the help of an overwhelming bipartisan majority of our Intelligence Committee.

This ensured that today we have a major bipartisan victory of which all sides can be proud, exemplifying what can be accomplished in Washington when there is bipartisan negotiation.

I thank all of those who worked so hard to bring us to the cusp of sending this legislation to the President. I appreciate the hard work of House Majority Leader STENY HOYER, who was critical in the House; Republican Whip ROY BLUNT, and Congressmen PETE HOEKSTRA and LAMAR SMITH, as well as the efforts of my colleagues in the Senate, Senators ORRIN HATCH, SAXBY CHAMBLISS, Senate Republican Leader MITCH MCCONNELL, and Chairman ROCKEFELLER for his strong support and leadership.

Further, we could not be here today without the hard work of staff, from the House, Jen Stewart from House Minority Leader BOEHNER's office; Brian Diffel from House Minority Whip BLUNT's office; Chris Donesa from Mr. HOEKSTRA's office; Caroline Lynch from Mr. SMITH's office; Mariah Sixkiller with the House Majority Leader's office; and Jeremy Bash from Mr. REYES' office, along with an assortment and large number of deputies and others who assisted them in producing the language that their Members would support.

As to my own staff, I thank my staff director Louis Tucker and staffer Jacqui Russell from the Intelligence Committee; a very special thanks to two FISA counsels, Jack Livingston and Kathleen Rice, who brought invaluable expertise into this process as lawyers who participated in the FISA process from the executive branch perspective while working in the FBI.

Thanks to Senator ROCKEFELLER's counsels, Mike Davidson, Christine Healey, and Alissa Starzak, as well as to Jesse Baker with Senator HATCH; to Tom Hawkins and John Abegg with Leader MCCONNELL's office; and to the many other staff who helped make this happen, too many to name now in the short time we have before we vote on the upcoming amendments.

I believe it is necessary to reinforce a few points that Senator ROCKEFELLER and I made yesterday in urging our colleagues to defeat the three amendments before us that would kill this bill by altering the title II liability protections, and potentially putting us in the disastrous situation we faced a year ago.

First, yesterday we heard from supporters of these amendments that decimating the title II civil liability protections for our telecommunications providers would have no effect on the title I portion of the bill that modernizes FISA collection methodologies because title I contains directives that are enforceable by court order.

Such statements demonstrate a lack of understanding about the intelligence community's dependence upon our third-party partners. We know from our experience when the Protect America Act expired in February that is simply not the case. We lost days' worth of intelligence while the partners ceased cooperating momentarily until they were assured that authorizations and corresponding immunity tie would last until August. If we do not have their voluntary cooperation by giving them liability protection, then it is much harder and we get much less in trying to compel them.

Second, we heard yesterday that it is ''bad lawyering'' to apply the substantial evidence standard to the title II liability. The Senate's bill had an abuse of discretion standard for title II liability, which I believe was the appropriate standard, but House Democrats offered this other standard.

It is an appellate standard, not a factual standard, as my colleague from

Rhode Island asserted yesterday. The court will not be holding a trial or hearing from witnesses. There is no adversarial process in the true sense of the word. These steps and safeguards are necessary to ensure that our intelligence sources and methods remain protected.

Third, while my colleague from Rhode Island asserted that the TSP is a cause for deep anger at the administration, I submit that deep anger should be redirected away from tearing down experienced, dedicated American officials and toward tearing down our foreign enemies who are intent on destroying our Nation and our way of life.

The TSP enabled our intelligence community to prevent further attacks on our homeland, and I and the leaders of the intelligence community believe it is the key reason why we have not been attacked for nearly 7 years since September 11.

Despite what some far-left editorial writers say, the TSP only allowed warrantless interception of phone calls from terrorists reasonably believed to be overseas.

Intercepts of Americans and other U.S. persons in the United States required a warrant from the FISA Court.

To suggest yesterday, as was suggested on the floor, that it enabled collection of communications among innocent American citizens is flat wrong. The bill before us will keep us safe and protect civil liberties. So it should not be a moment of anger but, rather, one of bipartisanship and pride that we worked together to produce the best legislation possible to keep America safe and to protect her rights further.

Others assert that leaking the program was good. Well, I dispute that. The intelligence agencies noticed a significant drop in collection when the terrorists found out we could listen in on them. The CIA Director, at his confirmation hearing, when I asked him how badly the intelligence community had been hurt, said: We are applying the Darwinian theory to terrorists; we are only intercepting the dumb ones.

Both Democratic and Republican leaders were read in on this program early on, the Big Eight, and had the opportunity through congressional options to delay or scrutinize the program, if necessary.

I understand they advised the administration it would take too long to go through the legislative process to modernize FISA. From what I have seen over the past 15 months in how long it has taken us to get here today, that seems to have been very good advice.

My colleague from Pennsylvania asserted earlier that only 30 Senators have been read in. But the chairman did a little quick math and said 37 have been read in. It is unusual to have more than one-third of the Senate briefed on some of our most sensitive intelligence collection strategy.

Oversight of these areas is why the Senate created the Senate Select Committee on Intelligence. We on the committee oversee hundreds of programs that the rest of our colleagues know little about. And even though we invite them over for briefings, they usually have too many other responsibilities to have time to accept our invitation.

Finally, my colleague from Pennsylvania asserted we do not know what we are granting immunity for, and only courts can decide that matter. That is simply not true. The committee's bipartisan review makes it clear to whom retroactive civil liability protection is being granted. And the courts are not the appropriate standard to make those judgments.

The Senator's statements clearly indicated that he wants to challenge the Government, the President's use of the TSP. Well, we do not block suits against the Government, against Government employees or officials. It would be unfair and potentially disastrous to use the patriotic electronic carriers as punching bags to try to get at the administration. That will destroy our intelligence community's ability to collect with their assistance, and it would potentially lead to a serious gap in the program. It would put the people of the collecting agencies at great risk, civilians who do not go into battle with protection, with gear and with training.

That is an absolutely outrageous assertion that they should be willing to undergo the hazards of war in matters of national security. It is appropriate and imperative that the oversight committees act as they have in reporting such legislation to the entire body.

My friend repeatedly inquired if Congress had ever done anything such as this before. But, in fact, we only need to look back to 2005 when Congress passed the Protection of Lawful Commerce in Arms Act. It essentially granted immunity to gun manufacturers, distributors, dealers, and others against lawsuits seeking money damages and other relief for harm caused by misuse of firearms.

It still allowed those defendants to be sued for their own negligence, violation of sale and marketing statute, breach of contract or warranty, design defect, et cetera. The immunity provision was held to be constitutional, not a violation of due process, equal protection, or takings, in Ileto v. Glock, a 2006 California court case. So beyond the rhetoric in opposition to the legislation before us, I believe Senators need to take a fair look at what is before us today.

I strongly encourage my colleagues to vote down the three amendments before us and to support this bill. This bill gives our intelligence operators and law enforcement officials the tools they need to conduct surveillance on foreign terrorists in foreign countries planning to conduct attacks inside the United States against our troops and allies. It is the balance we need to protect our civil liberties without handcuffing intelligence professionals. Let's do the right thing, pass this bill without amendments.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Mr. President, it was Kierkegaard, a number of years ago, who said that venture causes anxiety, but not to venture is to lose one's self.

From the outset let me be crystal clear in voicing my strong opposition to all three pending amendments to H.R. 6304. But before I discuss these amendments, let me address a few things said on this floor yesterday. One of my colleagues said the Congress shouldn't ''jam this bill through.'' If working on a bill for over 440 days is jamming it through, then Webster's dictionary should prepare a new definition for the word. We also heard comments yesterday which were critical of the fact that not every Senator has been fully briefed on the activities of the intelligence community. I guess since this same argument didn't stick the first time it was offered back in December, more desperate attempts would be made. If at first you don't succeed, try, try again.

Memories are short around here, and we should appreciate that the very creation of the Intelligence Committee was controversial. The committee was created so a limited number of Members would have oversight of our intelligence agencies. During the 10 days of debate on the resolution creating this committee, numerous Senators openly worried about possible leaks in providing highly classified material to a large number of individuals. Here is what Senator Milton Young said in May of 1976:

> It is my understanding that on this new committee, staff would have access to the most sensitive information. Human nature is such that when too many people have access to this information, someone is bound to leak parts of it to an ambitious and inquisitive press.

Also, in 1976, here is what another Senator said. This is Senator Walter Mondale on the need for a Senate Intelligence Committee on May 13, 1976:

> We have the worst possible system for congressional oversight of intelligence. Responsibility and authority are fragmented in several cases; it is impossible to look at intelligence as a whole; because authority and responsibility are not welded together, we are incapable of dealing with problems privately, and there is the inevitable temptation to deal with them through leaks.

Thirty two years later, these statements contain points that are still vitally important to this discussion. Is this the system of oversight that we should go back to? Those that argue that we should not vote until every Member gets some sort of vague access are essentially saying that all 535 Members of Congress, plus hundreds of cleared staff, should be read into all highly classified programs whose jurisdiction is otherwise limited to the Intelligence Committees. If you want to guarantee future leaks, this would be a good approach.

This sort of logic begs the question: Why do we have the Intelligence Committee? The answer is obvious, and I urge my colleagues to remember the extensive efforts of our predecessors which created a committee with the authority to review these materials.

While the issue of civil liability protection for telecoms has been debated extensively over the last 9 months, the three final amendments before us all attempt to alter or remove the carefully crafted bipartisan civil liability provision. I agree with the comments from both sides of the aisle in opposition to these amendments.

The Bingaman amendment, for example, would needlessly delay the liability provision. I believe the amendment is unwise, as its purpose disregards the extensive work that Congress has already conducted on this issue. By my last count, Congress has conducted over 27 hearings on the TSP and FISA over the last few years.

Let there be no doubt; the IG review will not, and cannot, determine the legality of the terrorist surveillance program. Any suggestion that the review will do so is absolutely incorrect. Inspectors general are not qualified and lack jurisdiction to review the legality of intelligence programs. As further evidence of this obvious point, let's look at this quote by the DOJ inspector general on conducting legal analysis:

That's not our role as the Inspector General.

In addition, the IG review will not publicly reveal which companies elected to participate in this program, as that information remains highly classified. Simply put, attempts to alter the FISA compromise based on a misperception of the eventual IG review should be strongly rejected, and we should do so this morning.

Close inspection of the lawsuits against the telecoms reveals quite dubious claims. As has previously been stated, the plaintiffs persistently confuse speculative allegations and untested assertions for established facts.

It is very simple, Congress should not condone oversight through litigation.

The lawsuits seize on the President's brief comments about the existence of a limited program to go on a fishing expedition of NSA activities. But this is really worse than a fishing expedition; this is draining the Loch Ness to find a monster. Sometimes what you are looking for just doesn't exist.

Yet we consistently hear as justification for the apparent paranoia that some wiretaps were warrantless. But lest we forget, the fourth amendment does not proscribe warrantless searches, it proscribes unreasonable searches.

Here's a quick example from a few blocks from here: Waiting for warrantless searches at the National Archives; waiting to be served before viewing the fourth amendment itself. That is a warrantless search.

The fact is that the President created an early warning system to prevent future attacks; essentially a terrorist smoke detector. But rather than appreciate the protection it offered, critics rushed to pull out the batteries so that it could not work.

My feelings of admiration and respect for the companies who did their part to defend America are well known. As I have said in the past, any company who assisted us following the attacks of 9/11 deserves a round of applause and a helping hand, not a slap in the face and a kick to the gut.

When companies are asked to assist the intelligence community based on a program authorized by the President himself and based on assurances from the highest levels of government that the program has been determined to be lawful, they should be able to rely on those representations.

In the over 40 outstanding civil lawsuits, is there any proof that any litigant was specifically targeted by the government? Can any of the plaintiffs show that they are ''aggrieved persons'' under the definition of FISA? The answer to both questions is no. Rather, many of the lawsuits utilize the following logic: I have long distance service, so I am going to sue because I think you listened to my calls. Even though they have no proof; even though the government has more important things to do than listen to their random phone calls, they push on in their desire to justify their view of self-importance and irrational belief in government conspiracy. I don't want to bruise anyone's ego, but if al-Qaida is not on your speed dial the government is probably not interested in you.

The possible disclosure of classified materials from ongoing court proceedings is a grave threat to national security, and the very point of these lawsuits is to prove plaintiffs' claims by disclosing such classified information. Simply put, you do not tell your enemies how you track them. This is why the NSA and other government agencies will not say what they do, how they do it, or who they watch. Nor should they. To confirm or deny any of these activities, which are at the heart of the civil lawsuits, would harm national security. We should not discuss what our capabilities are.

If the identities of the companies are revealed and officially confirmed through litigation, they will face irreversible harm; harm in their business relations with foreign governments and companies, and possible physical harm to their employees both here and abroad, who are truly soft targets for attackers.

I have come to this floor on numerous occasions during the last year to discuss the issue of FISA modernization and am hopeful that the need to continue to do so will finally end tomorrow. I am confident that when the Congress considers this issue, we will finally send this vitally important legislation to the President to be signed into law.

I compliment the distinguished chairman and vice chairman of the committee, Senators ROCKEFELLER and BOND. They have had to handle this matter through all kinds of vicissitudes and false logic. They have done an exceptionally good job. They and their staff have stood and tried to let America know what is involved.

The fact is, these two leaders have done a great job on this committee. They have previously passed bipartisan legislation overwhelmingly. This original Senate FISA modernization bill would have passed the House pretty much overwhelmingly, had it been brought up, and, of course, hopefully this version will be passed today without any of these three amendments which would cause a veto.

I thank those who vote for this bill and those who have been considerate enough to look at all the important arguments and support this legislation which is much needed, certainly much needed before August and should have been passed a long time ago.

I thank all those who have stood up on this bill.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that Senator LEAHY be recognized following my remarks, to be followed by Senator SPECTER for 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I yield myself such time as I may consume. Before I get into my formal remarks, let me react a bit to the remarks of the Senator from Utah. He is a great colleague, a very cordial man. I have enjoyed the 16 years I have served with him, especially on the Judiciary Committee. But I will use an unsenatorial word for one of the arguments he made. The word is ''wow.'' The notion that roughly 70 Senators would not be briefed on something we are voting on and the notion that the briefing of the Intelligence Committee, which, of course, I am a member of and which I support, is a justification for having 70 Senators not knowing what they are voting on is a very bizarre interpretation of why the Intelligence Committee was created. It was not created as a replacement for the Senate when it comes to voting on the laws governing the fundamental rights of the American people. If that is the best they can come up with, when 70 Senators don't even know the fundamentals of the program that this immunity issue is addressing, it is incredible. Let me get into the merits, but first I should also address that we have apparently been lumped in as part of the black helicopter crowd. I assure you the coalition in this country that has concerns about this bill is much broader than any such characterization.

A number of Senators came to the floor prior to the Fourth of July recess to debate the FISA legislation, and more debate has occurred this week.

We heard arguments for and against this legislation, and Senators have cited a variety of reasons for their positions.

Several have defended the bill by arguing the legislation includes improvements compared to the Senate bill we passed earlier this year. Of course, I was not surprised to hear that line of argument. I agree, there are some improvements to the Senate bill contained in the legislation we are now considering. But Mr. President, those changes, as you well know, are not nearly enough to justify supporting the bill, as I will explain in a few moments.

I was, however, surprised to hear several Senators still defending the legality of the President's warrantless wiretapping program and still arguing that Congress had somehow signed off on this program years ago because the so-called Gang of 8 group was notified.

I thought we were well past these arguments. Two and a half years after this illegal program became public, I cannot believe we are still debating the legality of this program on the Senate floor and that anyone—anyone—seriously believes that merely notifying the Gang of 8—eight Senators and Congressmen—while keeping the full Intelligence Committees in the dark, somehow represents congressional approval.

It could not be clearer that this program broke the law and that this President—this President—broke the law. Not only that, but this administration affirmatively misled the Congress and the American people about it for years before it finally became public. So if we are going to go back and discuss these issues that I thought had long since been put to rest, let's take a few minutes to cover the full history.

Here is the part of this story that somehow seems to have been forgotten. In January 2005, 11 months before the New York Times broke the story of the illegal wiretapping program, I asked then-White House Counsel Alberto Gonzales at his confirmation hearing to be Attorney General whether the President had the power to authorize warrantless wiretaps in violation of the criminal law. Neither I nor the vast majority of my colleagues knew it then, but the President had authorized the NSA program 3 years before, and Mr. Gonzales was directly involved in that issue as White House Counsel.

At his confirmation hearing, he first tried to dismiss my question—if you can believe it—as ''hypothetical,'' though he knew exactly what was going on. He then testified:

> [I]t's not the policy or the agenda of this President to authorize actions that would be in contravention of our criminal statutes.

The President's wiretapping program was in direct contravention of our criminal statutes. Mr. Gonzales knew that, but he wanted the Senate and the American people to think the President had not acted on the extreme legal theory that the President has the power as Commander in Chief to disobey the criminal laws of this country.

The President, too, misled the Congress and the American public. In 2004 and 2005, when Congress was considering the reauthorization of the USA PATRIOT Act, the President went out of his way—I remember this very clearly—to assure us that his administration was getting court orders for wiretaps, all the while knowing full well that his warrantless wiretapping program was ongoing.

Here is what the President said on April 20, 2004:

> Now, by the way, any time you hear the United States government talking about [a] wiretap, it requires—a wiretap requires a court order. Nothing has changed, by the way. When we're talking about chasing down terrorists, we're talking about getting a court order before we do so.

Those are the words of the President of the United States to the American people.

Again, on July 14, 2004:

> The government can't move on wiretaps or roving wiretaps without getting a court order.

And listen to what the President said on June 9, 2005:

> Law enforcement officers need a federal judge's permission to wiretap a foreign terrorist's phone, a federal judge's permission to track his calls, or a federal judge's permission to search his property. Officers must meet strict standards to use any of these tools. And these standards are fully consistent with the Constitution of the U.S.

So please, let's not pretend that the highly classified notification to the Gang of 8, delivered while the President himself was repeatedly presenting a completely different picture to the public, suggests that Congress somehow acquiesced to this program. As the Members of this body well know, several Members of the Gang of 8 at the time raised concerns when they were told about this, and several have since said they were not told the full story. And, of course, all of them—all of them—were instructed not to share what they had learned with a single other person.

I also cannot leave unanswered the arguments mounted in defense of the legality of the NSA program. I will not spend much time on the argument that the authorization for use of military force that Congress passed on September 18, 2001, authorized this program. That argument has been thoroughly discredited. In the AUMF, Congress authorized the President to use military force against those who attacked us on 9/11, a necessary and justified response to the attacks. We did not authorize the President to wiretap American citizens on American soil without going through the judicial process that was set up nearly three decades ago precisely to facilitate the domestic surveillance of spies and terrorists.

Senators have also dragged out the same old, tired arguments about the President's supposed inherent Executive authority to violate the FISA statute. They argue that a law passed by Congress cannot trump the President's power under the Constitution. Now, that argument may sound good, but it assumes what it is trying to prove—that the Constitution gives the President the power to authorize warrantless wiretaps in certain cases. You cannot simply say that any claim of Executive power prevails over a statute—at least, not if you are serious about the rule of law and about how to interpret the Constitution.

The real question is, when a claim of Executive power and a statute arguably conflict, how do you resolve that conflict?

Fortunately, this is not something the Supreme Court has been silent about. The Supreme Court has told us how to answer that question. We are talking about the President acting in direct violation of a criminal statute. That means his power was, as Justice Jackson said in his famous and influential concurrence in the Steel Seizure cases half a century ago, ''at its lowest ebb.'' The Presidential power, Justice Jackson said, in that circumstance was ''at its lowest ebb.'' In other words, when a President argues that he has the power to violate a specific law, he is on shaky ground.

That is, obviously, not just my opinion. It is what the Supreme Court has made clear. No less an authority than the current Chief Justice of the United States, John Roberts, repeatedly recognized in his confirmation hearings—over and over again—that Justice Jackson's three-part test is the appropriate framework for analyzing questions of Executive power.

In early 2006, a distinguished group of law professors and former executive branch officials wrote a letter pointing out that ''every time''—every time—''the Supreme Court has confronted a statute limiting the Commander-in-Chief's authority, it has upheld the statute.'' It has upheld the act of Congress over the claims of Executive power that overreach and conflict with the power of this Congress to make the laws in this country.

The Senate reports issued when FISA was enacted confirm the understanding that FISA overrode any preexisting inherent authority of the President. The 1978 Senate Judiciary Committee report stated that FISA ''recognizes no inherent power of the President in this area'' and ''Congress has declared that this statute, not any claimed Presidential power, controls.''

Contrary to what has been said on this floor, no court has ever approved warrantless surveillance in violation of FISA based on some theory of article II authority. The Truong case that is so often hauled out to make this argument was a Vietnam-era case based on surveillance that occurred before FISA was enacted, so it could not have decided this issue. And the issue before the FISA Court of Review in 2002 had nothing to do with inherent Presidential authorities. Yet these cases are repeatedly cited by supporters of the President, complete with large charts

of the supposedly relevant quotations. But the fact is, not a single court—not the Supreme Court or any other court—has considered whether, after FISA was enacted, the President nonetheless somehow has the authority to bypass it and authorize warrantless wiretaps.

In fact, as the Senator from Pennsylvania and I discussed on the Senate floor yesterday, just last week a Federal district court strongly indicated that were it to reach that issue, it would find that the President must in fact follow FISA. The court was considering whether the state secrets privilege applies to claims brought under the FISA civil liability provisions, and it found that it does not. Its reasoning was based on the conclusion, again, that Congress had spoken clearly that it intended FISA and the criminal wiretap laws to be the exclusive means—the exclusive means—by which electronic surveillance is conducted, and it fully occupied the field in this area, replacing any otherwise applicable common law.

Now, here is what the court said:

> Congress appears clearly to have intended to—and did—establish the exclusive means for foreign intelligence surveillance activities to be conducted. Whatever power the Executive may otherwise have had in this regard, FISA limits the power of the executive branch to conduct such activities . . .

And another court, a district court in Michigan, has also held that the President's wiretapping program was unconstitutional, although that decision was reversed on procedural grounds by the Sixth Circuit. So to the extent there is any case law that actually addresses this issue, it totally undercuts the administration's arguments. And, of course, it certainly does nothing to support those arguments.

We have also heard that past American Presidents have cited Executive authority to order warrantless surveillance. But, of course, those past Presidents—Presidents Wilson and Roosevelt are often cited—were acting before the Supreme Court decided in 1967 that our communications are protected by the Fourth Amendment and before Congress decided in 1978 that the executive branch can no longer unilaterally decide which Americans to wiretap. So those examples are simply not relevant to this debate.

In sum, the arguments that the President has inherent Executive authority to violate the law are baseless. It is not even a close case. And the repeated efforts in the Senate to pretend otherwise are very discouraging.

It may seem that I am going over ancient history because this program is no longer operating outside the law. But this is directly relevant to the current debate. The bill the Senate is considering would actually grant retroactive immunity to any companies that cooperated with a blatantly illegal program that went on for more than 5 years and about which the administration repeatedly misled Congress.

So if Congress short-circuits these lawsuits, we will have lost a prime opportunity to finally achieve accountability for these many years of lawbreaking. That is why the administration has been fighting so hard for this immunity. It knows that the cases that have been brought directly against the Government face much more difficult procedural barriers and are unlikely to result in rulings on the merits that would allow us to get to this direct question of the legality of the President's warrantless wiretapping program.

These lawsuits involving the telephone companies may be the last chance to obtain a judicial ruling on the lawfulness of the warrantless wiretapping program. It is bad enough that Congress abdicated its responsibility to hold the President accountable for breaking the law. Now it is trying to absolve those who allegedly participated in his lawlessness. This body should be condemning this administration for its lawbreaking—not letting the companies that allegedly cooperated off the hook.

This body certainly should not grant the Government new, overexpansive surveillance authorities, which brings me now to the part of the bill that in some ways concerns me even more than the immunity provision. Let me explain why I am so concerned about the new surveillance powers granted in this bill and why the modest improvements made to this part of the bill do not even come close to going far enough.

First, the FISA Amendments Act would authorize the Government to collect all—all—communications between the United States and the rest of the world. Now, that could mean millions upon millions of communications between innocent Americans and their friends, families, or business associates overseas could be legally collected. Parents calling their kids studying abroad, e-mails to friends serving in Iraq—all these communications could be collected, with absolutely no suspicion of any wrongdoing at all, under this legislation.

Second, like the earlier Senate version, this bill fails to effectively prohibit a practice known as reverse targeting; namely, wiretapping a person overseas when what the Government is really interested in doing is listening to an American here at home with whom the foreigner is communicating. This bill does have a provision that purports to address this issue. It prohibits intentionally targeting a person outside the United States without an individualized court order if ''the purpose'' is to target someone reasonably believed to be in the United States.

But this does not do the job. At best, this prevents the Government from targeting a person overseas as a complete pretext for getting information on someone in the United States. But this language would allow a lot more. The language would permit intentional and possibly unconstitutional warrantless surveillance of an American so long as the Government has any interest—any interest at all—no matter how small, in the person overseas with whom the American is communicating. The bill does not include language that had the support of the House and the vast majority of the Senate's Democratic caucus that would have required the Government to obtain a court order whenever a significant purpose of the surveillance was to acquire the communications of an American in the United States. The administration's refusal to accept that reasonable restriction on its power is quite telling.

Third, the bill before us imposes no meaningful consequences if the Government initiates surveillance using procedures that have not been approved by the FISA Court, and the FISA Court later finds that those procedures were unlawful. Say, for example, the FISA Court determines that the procedures were not even reasonably designed to wiretap foreigners outside the United States rather than Americans at home. Under this bill, all that illegally obtained information on Americans can be retained and used. Once again, as seems to recur over and over again in this sordid tale, there are no consequences for illegal behavior by the Government of the United States. That is just wrong.

Unlike the Senate bill, this new bill does generally provide for FISA Court review of surveillance procedures before surveillance begins, and that is one of the changes that has been touted by supporters of the bill. But the bill also says if the Attorney General and the Director of National Intelligence certify they don't have time to get a court order, and that intelligence important to national security may be lost or not timely acquired, then they can go forward without traditional approval. This is a far cry from allowing an exception to FISA Court review in a true emergency because, arguably, all intelligence is important to national security and any delay at all might cause some intelligence to be lost. So I am concerned that this so-called ''exigency'' exception could very well swallow the rule and undermine any presumption at all of prior judicial approval. That could result in no prior court review. No prior judicial review. Let's just trust an administration—including this administration—rather than having the checks and balances that clearly the Founders of our country understood to be central in any situation such as this.

Fourth, this bill doesn't protect the privacy of Americans whose communications will be collected in vast new quantities. The administration's mantra has been: Don't worry, we have minimization procedures. But minimization procedures are nothing more

than unchecked executive branch decisions about what information on Americans constitutes ''foreign intelligence.'' That is why on the Senate floor I joined with Senator WEBB and Senator TESTER earlier this year to offer an amendment to provide real protections for the privacy of Americans, while also giving the Government the flexibility that it needs to wiretap terrorists overseas.

This bill relies solely on inadequate minimization procedures to protect innocent Americans, and they are simply not enough.

As I said at the outset, some supporters of this bill have pointed to improvements made since the Senate passed the bill earlier this year. I appreciate that some changes have been made, but those changes are either inadequate or they do not go to the core privacy issues raised by this bill. In fact, as the distinguished Senator from Missouri, the vice chairman of the Senate Intelligence Committee, said just yesterday, the bill before us is ''basically the Senate bill all over again'' with only ''cosmetic fixes.'' That is what the Republican vice chairman of the committee said. Any Democrat who suggests that this is somehow a big change, I don't think they read the bill, because it doesn't do the job.

For example, I am pleased the bill provides for FISA Court review of targeting minimization procedures, but as I mentioned, there is a potentially gaping loophole allowing the executive branch to go forward with surveillance without court review—an exception that could swallow the rule. The bill also now explicitly directs the FISA Court to consider whether the Government's procedures comply with the fourth amendment, but that is an authority it should have had anyway.

The bill includes an inspector general review of the illegal program, which is a positive change, but that doesn't make up for the lawsuits that are going to be dismissed as a result of this legislation. I strongly support the strengthened exclusivity language which, perhaps, may defer a future administration from engaging in lawless behavior, but let's not lose sight of the fact that FISA, as originally enacted, clearly stated already that it and the criminal wiretap laws were the exclusive means for conducting electronic surveillance. This was confirmed in the strongest terms possible by a Federal district court just last week.

The idea that we would simply trust this administration, especially, to follow this exclusivity language when they have taken such a dismissive attitude with respect to the current exclusivity language is absurd. Only under the unprecedented legal theories of this administration could that clear language be ignored, requiring Congress to pass language that effectively says: No, we really mean it. If this bill is enacted, I am by no means reassured that this administration, which repeatedly broke the law and misled the public over the past 7 years, will now respect the exclusivity of FISA.

Now, the bill does contain a key protection for Americans traveling overseas. It says if the Government wants to intentionally target Americans while they are outside of the country, it has to get an individualized FISA Court order based on probable cause. That is a great victory, and it is one we should be proud of, but it does not override the greatly expanded authorities in this bill to collect other types of communications involving Americans.

In sum, these improvements are obviously not enough. They are nowhere close. So I must strongly oppose this bill.

When you consider how we got here, this legislation is particularly discouraging. We discovered in late 2005 that the President had authorized an illegal program in blatant violation of a statute and that Congress and the public had been misled in a variety of ways leading up to this public revelation. Congress, to its credit, held hearings on the program, but was largely stonewalled by the administration for many months until the administration grudgingly agreed to brief the intelligence committees and, more recently, the judiciary committees. Nonetheless, the vast majority in the House and Senate have never been told what happened. In 2006, when the Republicans tried to push through legislation to grant massive new surveillance authority to the executive branch, we stopped it. But now, in a Democratic-controlled Congress not only did we pass the Protect America Act, but we are now about to extend for more than 4 years these expansive surveillance powers, and we are about to grant immunity to companies that are alleged to have participated in the administration's lawlessness.

I sit on the Intelligence and Judiciary Committees. I am one of the few Members of this body who has been fully briefed on the warrantless wiretapping program. Based on what I know, I can promise that if more information is declassified about the program in the future, as is likely to happen either due to the inspectors general report, the election of a new President, or simply the passage of time, Members of this body will regret that we passed this legislation. I am also familiar with the collection activities that have been conducted under the Protect America Act and will continue under this bill. I invite any of my colleagues who wish to know more about these activities to come speak to me in a classified setting. Publicly, all I can say is that I have serious concerns about how those activities may have impacted the civil liberties of all Americans. If we grant these new powers to the Government and the effects become known to the American people, we will realize what a mistake it was. Of that, I am sure.

So I hope my colleagues will think long and hard about their votes on this bill and consider how they and their constituents will feel about this vote 5, 10, or 20 years from now. I am confident that history will not judge this Senate kindly if it endorses this tragic retreat from the principles that have governed government conduct in this sensitive area for 30 years. I urge my colleagues to stand up for the rule of law and defeat this bill.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I applaud the Senator from Wisconsin for his statement. I concur with it.

The Senate has before it three amendments to bring accountability to this legislation: the Dodd-Feingold-Leahy amendment, the Specter amendment, and the Bingaman alternative. I intend to vote in favor of each of these three amendments.

As I noted at the outset of this debate and consistently throughout the course of Senate consideration of these matters, I oppose legislation that does not provide accountability for the 6 years of illegal, warrantless wiretapping initiated and approved by the Bush-Cheney administration. The bill, if it is adopted without amendments, seems intended to result in the dismissal of ongoing cases against the telecommunications carriers that participated in the warrantless wiretapping program without allowing a court ever to review whether the program itself was legal. None of us are out to punish the telecommunications carriers, but we worry if anybody is going to be held accountable. As it is now, the bill would have the effect of ensuring that this administration is never called to answer for its actions and never held accountable in a court of law. I do not support a result that says the President of the United States, whomever he or she is, is above the law and, therefore, I would not support the bill unless it is amended.

It is now almost 7 years since this President began efforts to circumvent the law. In violation of the provisions of the governing statute, the Foreign Intelligence Surveillance Act, this President and his administration engaged in a program of warrantless wiretapping. I believe that conduct was illegal. In running its program of warrantless surveillance, the administration relied on ends-oriented legal opinions prepared in secret and shown only to a tiny group of like-minded officials.

Basically, the administration said: This is what we want for legal advice, now give it to us. This is what we want to do to step outside the law; now you go tell us we can do that. As chairman of the Senate Judiciary Committee, of course I oppose that.

A former head of the Justice Department's Office of Legal Counsel described this program as a ''legal mess.'' This administration wants to make sure that no court ever reviews that

legal mess. The bill before us seems to guarantee they get their wish.

As Senator SPECTER and I have both confirmed during the course of this debate, the administration worked hard to ensure that Congress could not effectively review the legality of the program. Since the existence of this program became known through the press, the Judiciary Committee repeatedly tried to obtain access to the information its members needed to evaluate the administration's legal arguments. Indeed, Senator SPECTER, when he was chairman of the Judiciary Committee, prepared subpoenas for the telecommunications carriers to obtain information, simply because the administration would not tell us directly what it had done, but those subpoenas were never issued; Vice President CHENEY intervened to undercut Senator SPECTER and prevent the committee from voting on them.

There are public reports that at least one telecommunications carrier refused to comply with the administration's request to cooperate with the warrantless wiretapping. Surely that objection raised a red flag for all involved. It is clear that the administration did not want the Senate to evaluate the evidence and draw its own conclusions. Again, it sought to avoid accountability.

If we look at the publicly available information about the President's program, it becomes clear that title II is designed to tank these lawsuits, pure and simple, and allow for the administration to avoid accountability. The Senate Intelligence Committee said in a report last fall that the providers received letters from the Attorney General stating that the activities had been ''authorized by the President'' and ''determined to be lawful.'' Guess what. These are precisely the ''magic'' words that will retroactively immunize the providers under title II of this bill. So the fix is in. The bill is rigged, based on what we already know, to ensure that the providers get immunity and the cases get dismissed.

So what if Americans' rights were violated. So what if laws were violated. This bill makes the Federal courts the handmaiden to a coverup. That is wrong.

Make no mistake. If title II becomes law, we would take away the only avenue for Americans to seek redress for harms to their privacy and their liberties, and there will likely be no judicial review of this administration's illegal actions. Those who claim that American citizens can still pursue their privacy claims against Government, they know that sovereign immunity is a roadblock. They know that cases against Government have been dismissed for lack of standing. They know about the Government's ability to assert the state secrets doctrine. They know the Michigan case that held the President's warrantless wiretapping program illegal was later vacated on appeal for lack of standing. Indeed, for all of the talk about holding the Government accountable, they have chosen to do nothing to make any case against the Government more viable. This is a red herring if ever there was one. We are telling Americans we are closing the door. We are telling Americans—law-abiding, honest, good, hard-working Americans—that we are closing the courthouse door in their face because we have to protect the President and those around him who may have done something illegal.

Last week, a Federal judge in San Francisco ruled that FISA's provisions trump the state secrets privilege. But that same judge was constrained to hold that plaintiffs still must prove that they are ''aggrieved'' under FISA to maintain standing to sue the Government. It is not at all clear whether these plaintiffs, or any others, can make this showing. Absent congressional action to facilitate judgments on the merits, these cases against the Government are unlikely to survive.

The report of the Senate Committee on Intelligence in connection with its earlier version of the bill that also included retroactive immunity is telling. The committee wrote:

> The Committee does not intend for this section to apply to, or in any way affect, pending or future suits against the Government as to the legality of the President's program.

And later wrote:

> Section 202 makes no assessment about the legality of the President's program.

But neither that bill nor this one makes any allowance for such suits against the government to proceed to a decision on the merits. That is precisely what is lacking in this measure—an avenue to obtain meaningful judicial review and accountability.

Those who support retroactive immunity for the telecommunications carriers without providing an effective avenue to challenge the program or obtain judicial review of its legality, support unaccountability, pure and simple. I would have supported the efforts of the Government to indemnify the telecommunications carriers if we could substitute the Government to have accountability. I also support alternative efforts by Senator SPECTER and Senator WHITEHOUSE to substitute the Government in those cases so that the cases could proceed to a judgment on the merits. That would have allowed judicial review and provided for accountability.

The Senate is going to vote on a bill today which does not allow that. All the years I was growing up in Vermont we were told nobody is above the law. All my time in law school we were told nobody is above the law. We take an oath of office when we are sworn into this body where there are only 100 of us to represent 300 million Americans, but we are also told no one is above the law. We are about to vote on a bill that says, well, the President and those people around him are above the law.

Just as Vice President CHENEY is not supposed to control the Congress, the administration is not supposed to control the Federal courts. In this democracy of coequal branches in which not even the President is above the law, judicial review is an important mechanism to correct the overreaching and excesses of the Executive. Since the landmark case of Marbury v. Madison, the principle of judicial review has been firmly established. Unfortunately, that principle is being sacrificed to this administration's claim that it, outside of all other administrations in this Nation's history—this administration, the Bush-Cheney administration—should be able to act with absolute impunity and act outside the law.

On the other hand, I believe a Federal court could well find that the limitations this bill, if enacted, would place on the courts' ability to rule on the legality of this program are themselves unconstitutional.

Under the strictest read of the language of the bill, the cases in question will most certainly be dismissed. Attorney General Mukasey must simply certify to the court that the ''alleged'' activity was the subject of a written request from the Attorney General, which indicated that the activity was authorized by the President and ''determined to be lawful.'' This process gives me, and I would hope the Federal courts, pause.

If the judicial review provided by the bill is intended to be meaningful, the only way for that to happen is if the courts, in fact, review the legality of the warrantless wiretapping program. Surely, a court might find that it cannot dismiss an American's claim of a deprivation of rights based on the mere assertion by a party in interest that it told another party that what they were doing was ''determined to be lawful.'' In this setting, in fact, the current Attorney General is not certifying or representing to the court that the warrantless wiretapping program was lawful. All the bill requires is that the Attorney General certify that the phone company acted at the behest of the administration and that the administration ''indicat[ed]'' that the activity was ''determined to be lawful''—by somebody, at some time.

A court might reason that Congress could not have intended for the court to abdicate its judicial review role and become a mere rubber stamp. The court might nevertheless engage in ''meaningful'' judicial review. Wouldn't that be great.

How else, the court might reason, is it to assure itself that the Attorney General's certification is valid and worth affirming as a justification for closing the court house doors to Americans claiming deprivation of their constitutionally guaranteed rights? That is the only way to provide any real meaningful judicial review.

Indeed, the reasoning would go, any other reading would be an unconstitutional rule of decision. See United States v. Klein, 13 Wall. 128 (U.S. 1872). Congress simply does not have authority to tell the courts, a coequal branch,

how it must decide a case. So, in order not to reach that constitutional predicament, the court could interpret the statute to allow it to review the legality of the President's warrantless wiretapping program.

Another recent model for such meaningful review is that of the Court of Appeals for the District of Columbia in the Parhat v. Gates case. There, the appellate court invalidated a Combatant Status Review Tribunal's decision that petitioner Huzaifa Parhat, a member of a Chinese Muslim minority group called Uighurs, was properly designated as an ''enemy combatant.''

Under the restrictive language of the Detainee Treatment Act, the court's review in the Parhat case was expressly limited to consideration whether the status determination of the CSRT was ''consistent with the standards and procedures'' specified by the Secretary of Defense for CSRTs, and whether ''to the extent the Constitution and laws of the United States are applicable, whether the use of such standards and procedures to make the determination is consistent with the Constitution and laws of the United States.''

The Parhat decision shows that in order to make its review meaningful, the court interpreted its role as reviewing the probity and reliability of the evidence in order to reach its conclusion on the validity of CSRT's designation of Parhat as an ''enemy combatant.'' In so doing the court noted that to do otherwise would be ''perilously close to suggesting that whatever the government says must be treated as true, thus rendering superfluous both the role of the Tribunal and the role that Congress assigned to this court.'' It noted that ''[t]o do otherwise would require the courts to rubber-stamp the government's charges'' rather than engage in meaningful judicial review.

I believe that independent judicial review would reject the administration's claims to authority from the Authorization for the Use of Military Force to engage in warrantless wiretapping of Americans in violation of FISA. I believe that the President's claim to an inherent power, a Commander-in-Chief override, derived somewhere from the interstices or penumbra of the Constitution's Article II, would not prevail over the express provisions of FISA.

Indeed, Chairman ROCKEFELLER seemed to concede as much yesterday morning when he asserted that nothing in his bill should be taken to mean ''that Congress believes that the President's program was legal.'' He characterized the administration as having made ''very strained arguments to circumvent existing law in carrying out the President's warrantless surveillance program.''

At various points, Senator ROCKEFELLER alluded to the administration's argument that the Authorization for the Use of Military Force was some sort of statutory override authority and the administration's claim that the President has what Senator ROCKEFELLER called ''his all-purpose powers,'' which I understand to be the administration's argument that inherent authority from Article II of the Constitution creates a commander-in-chief override, and said that these are not justifications for having circumvented FISA.

Consistent with Justice Jackson's now well-accepted analysis in the Youngstown Sheet & Tube case, when the President seeks to act in an area in which Congress has acted and exercised its authority, the President's power is at it ''lowest ebb.'' So I believe that the. President's program of warrantless wiretapping contrary to and in circumvention of FISA will not be upheld based on his claim of some overriding Article II power. I do not believe the President is above the law.

What is most revealing is that the administration has worked so feverishly to subvert any judicial review. That sends a strong signal that the administration has no confidence in its supposed legal analysis or its purported claims to legal authority. If it were confident, the administration would not be raising all manner of technical legal defenses but would work with Congress and the courts to allow a legal test of its contentions and of its actions.

One Federal district judge in Detroit has already declared the President's warrantless wiretapping program to have been unconstitutional. Another in San Francisco just last week cast grave doubt on the legality of the President's warrantless wiretapping program, finding that the exclusivity provisions in FISA left no doubt that operating outside of the statute's framework was unlawful.

I urge the courts to exercise their rightful role to ensure justice is done.

As I have said, I recognize that this legislation also contains important surveillance authorities. I support this new authority, and have worked for years to craft legislation that provides that important authority along with appropriate protections for privacy and civil liberties. The Judiciary Committee reported such a bill last fall. I commend House Majority Leader HOYER and Senator ROCKEFELLER, who negotiated this legislation, for incorporating several additional protections that bring the bill the Senate previously passed closer to the Judiciary Committee's bill. While I would seek even greater civil liberties protections in Title I, there is no doubt that this bill provides stronger protections than the Senate bill I previously opposed.

I note, in particular, the requirement of an Inspector General review of the President's warrantless wiretapping program. It is a provision I offered and insisted upon when the Judiciary Committee reported its version of the FISA legislation. I had previously sought to add this provision to the Senate Intelligence Committee's bill. This review will provide for a comprehensive examination of the facts of that program and should prove useful to the next President.

I believe still more protections for privacy and civil liberties are necessary, and if this bill becomes law, I will work with the next administration on additional protections.

I should emphasize that while the Inspector General provision serves important purposes, its inclusion in this bill is no substitute for a legal review of the President's warrantless wiretapping program. Federal judges and Inspectors General perform different functions. Inspector General reviews can be very useful for factual review of past actions, and I expect the inspectors general to undertake a probing and comprehensive review. But Inspectors General are not well-suited to determine whether the President's warrantless wiretapping program was legal. In fact, this bill prevents the Inspectors General from engaging in that kind of legal review.

Courts, on the other hand, are well-suited to make these kinds of legal determinations. They do it all the time. Federal judges make conclusions of law every day in this country based on facts found by a jury or, if the right to jury trial is waived, based on their own factual conclusions. But this administration doesn't want this kind of review. It has fought for years to avoid a determination by our courts of the legality—or more precisely the illegality—of the President's program. If the administration gets its wish through passage of this bill, there will likely be no conclusive judgment on the lawfulness of the President's program—ever—and no accountability.

I, therefore, cannot support this legislation without amendment. I do not believe Congress should seek to take away the only viable avenue for Americans to seek redress for harms to their privacy and liberties, and the only viable avenue of accountability for the administration's lawlessness. This administration violated FISA by conducting warrantless surveillance for more than five years. They got caught. The apparent purpose of this bill is to ensure that they will not be held to account. That is wrong. I will vote to support the amendments before us today to bring accountability to this legislation, but I will vote no in opposition to the effort to secure immunity for this administration's illegal activity.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator has 30 seconds remaining.

Mr. LEAHY. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I have sought recognition to make the final argument in support of my amendment pending on a very vital issue facing this body.

We are asked today to do two things that I believe are unprecedented in the

history of the Senate. First, we are called upon to vote on legislation where most of the Members admittedly don't know what we are voting on; second, we are stripping the Federal court of jurisdiction on some 40 cases that have been pending for more than 3 years and are in the process of litigation.

On point 2, we are flying in the face of the most fundamental decision in the history of the United States on constitutional law, Marbury v. Madison, going back to 1803, 205 years, and Chief Justice Marshall saying that it is emphatically the province and duty of the judicial department to say what the law is.

But the Congress is now being asked by the administration to grant retroactive immunity to the telephone companies, where the judge who is presiding on the case, Chief Justice Vaughn Walker, in the Federal court in San Francisco, has declared that the terrorist surveillance program put into effect by the President violates the Constitution and exceeds his constitutional authority in directly violating the statutory provision that the exclusive way to wiretap is with court approval.

Here we have a situation where it is admitted that most Members of the House of Representatives, according to the House leadership, have not been briefed on the program. What we have are allegations in the legal papers as to having the telephone companies act at the request of the Government to invade privacy, without going through the customary judicial process of securing a warrant.

On the floor yesterday, after extended argument, it is plain that most Members of the Senate have not been briefed on this program. There is an old expression, ''buying a pig in a poke.'' It means buying something and you don't know what it is you are buying. Well, that is what the Senate is being asked to do today—to grant retroactive immunity to a program where the Members don't know what the program is. How does that comport with our reputation that we in the Senate so pride ourselves on, being the world's greatest deliberative body?

I suggest that this may be a historical embarrassment, where we are voting on matters where everybody knows we don't know what we are voting on. The fact may be that we vote with some frequency on matters that we don't know what we are voting on, where we have voluminous reports that are impossible for any Senator to go through. But here we are caught redhanded. Everybody knows we don't know what this program is; yet we are granting retroactive immunity to the telephone companies.

I believe the telephone companies have been good citizens. There is a way to have the telephone companies protected without giving up the program. That would be by substituting the Government as a party defendant, so you could both have the program and have the telephone companies protected.

Yesterday, in an extended discussion with the chairman of the Intelligence Committee and other Members on the floor, I pressed to see if anybody knew of any case that had been pending for more than 3 years, where Chief Judge Walker has handed down a lengthy opinion, running some 27 pages, on the issue of state secrets on this electronic surveillance. Just a week ago today, he handed down a 59-page opinion declaring that the Presidential power exceeded the constitutional authorization of article II. The first opinion is on appeal to the Court of Appeals for the Ninth Circuit. And here we are stripping the court of jurisdiction. I posed the question, Has that ever happened before? And it hasn't happened before.

I intend to support the amendment and cosponsor the amendment by Senator BINGAMAN, which would follow up on what the inspectors general do, to have it returned to Congress to see if the program is working. That is a good remedial step, but it doesn't go far enough. It has too many ifs, ands, and buts in it. I think it is a good fallback position, and I will support it. I urge my colleagues not to take Senator BINGAMAN's amendment as a substitute for my amendment because it doesn't go as far and it doesn't reach the constitutional issues.

We are dealing here with a matter that is of historic importance. I believe that years from now, historians will look back on this period from 9/11 to the present as the greatest expansion of Executive authority in history—unchecked expansion of authority. The President disregards the National Security Act of 1947 mandating notice to the Intelligence Committee; he doesn't do it. The President takes legislation that is presented by Congress and he signs it, and then he issues a signing statement disagreeing with key provisions. There is nothing Congress can do about it.

The Supreme Court of the United States has gone absent without leave on the issue, in my legal opinion. When the Detroit Federal judge found the terrorist surveillance program unconstitutional, it was affirmed by the Sixth Circuit on a 2-to-1 opinion on grounds of lack of standing. Then the Supreme Court refused to review the case. But the very formidable dissenting opinion laid out all of the grounds where there was ample basis to grant standing. Now we have Chief Judge Walker declaring the act unconstitutional.

The Congress ought to let the courts fulfill their constitutional function. It is understandable that Congress continues to support law enforcement powers because of the continuing terrorist threat. No one wants to be blamed for another 9/11. My own briefings on the telephone companies' cooperation with the Government have convinced me of the program's value, so I voted for it even though my amendment to substitute the Government for the telephone companies was defeated in the Senate's February vote.

Similarly, with great reluctance, I am prepared to support it again as a last resort, even if it cannot be improved by providing for judicial review. However, since Congress has been so ineffective in providing a check and balance, I am fighting hard today again to secure passage of my amendment to keep the courts open.

When the stakes are high, as they inevitably are, when Congress addresses civil liberties and national security, Members frequently must choose between the lesser of two imperfect options. Unfortunately, we too often back ourselves into these corners by deferring legislation until there is a looming deadline. Perhaps this is why so many of my colleagues have resigned themselves to accepting the current bill without seeking to improve it further.

Although I am prepared to stomach this bill, if I must, I am not yet ready to concede that the debate is over. Contrary to the conventional wisdom, I don't believe it is too late to make this bill better. Perhaps the Fourth of July holiday will inspire the Senate to consider its independence from the executive branch now that we have returned to Washington.

These issues are extraordinarily complex. It is my hope that my colleagues will focus on these two unprecedented acts where we are called upon to vote for something we admittedly do not know what we are voting for because we don't know what this program is; secondly, to take the unprecedented step of intervening in the judicial process on a case pending for more than 3 years in the Federal courts.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Vermont is recognized.

Mr. SANDERS. Senator LEAHY has yielded me his remaining time.

The PRESIDING OFFICER. Senator LEAHY only has 30 seconds.

Mr. SANDERS. Yes. Mr. President, international terrorism is a serious issue, and every Member of this body has pledged to protect the American people, and we will do that. But we will and must do it within the context of the Constitution of the United States and the law of the land. No individual, no President, is above the law. This President, perhaps more than any other in history, has abdicated the Constitution of the United States. The time is now to stand up and say: No more.

Let's defeat this legislation. Let's assure the American people that in fact we are a nation of laws, not individuals.

Thank you.

The PRESIDING OFFICER. Who yields time?

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask that I be allowed to speak for up to 10

minutes. I don't expect to use all that time. And then my colleague from Connecticut, Senator DODD, be allowed to speak for up to 15 minutes.

The PRESIDING OFFICER. That is part of the previous order.

Mr. BINGAMAN. Mr. President, first, let me comment on the statement Senator SPECTER of Pennsylvania made about his own amendment. I support his amendment. I wish to make it very clear that the amendment I am offering is not intended as a substitute for his amendment. I favor his amendment. I favor the amendment I am offering as well. And, of course, I favor Senator DODD's amendment as well, which he is going to speak about in a few moments. I wished to make that clear.

Let me describe the amendment very briefly. I did that yesterday. This amendment is cosponsored by Senators CASEY, SPECTER, CLINTON, and NELSON of Florida. It is based on the simple proposition that we ought to conduct a thorough investigation before we grant any retroactive immunity to telecom companies.

In my view, the structure of this bill has it backward. As currently drafted, it would grant immunity first, and then after those companies are shielded for any potential liability for their past actions, the legislation requires a comprehensive investigation regarding the company's participation in the President's warrantless surveillance program.

The amendment I am offering would fix the problem by putting in place what I believe is a more logical process.

As I discussed yesterday, the amendment would do three things. First, it would stay all the civil cases against the telecom companies as soon as the legislation is signed into law. Second, it would allow time for the inspectors general to investigate the circumstances surrounding this warrantless surveillance program. And third, it would give Congress 90 days to review the findings of that investigation before the companies could ask a court to dismiss the cases pending against them.

I believe this is a very modest proposal. It would not change any of the substantive provisions in the immunity title. The amendment only modifies the timing of when these companies may seek immunity.

The amendment would not prejudice or harm the telecom companies while the investigation is being conducted. All the civil cases would be on hold and neither side would be incurring litigation expenses.

It would not create any risk whatsoever of sensitive information being leaked during the remainder of the litigation process. There would be no evidence submitted to the court during this period of stay. There would be no discovery. There would be no classified information being discussed. As I have stated, the cases would be stayed, would be on hold.

Lastly, the amendment would not hamper our Nation's ability to collect necessary intelligence. The amendment does not limit any of the authority being provided to the Government under this legislation to conduct foreign intelligence gathering. It would not discourage telecom companies from assisting the Government in the future. Under this legislation, companies would still be required to comply with lawful directives and would receive liability protection for any help they provide.

But the amendment does do something that I believe is very important. It would ensure that before these cases may be dismissed, Congress has an opportunity to know exactly what illegal acts, if any, it is forgiving. The Senator from Pennsylvania made a very strong case that Members of the Senate do not know what it is we are granting immunity for at this stage.

I believe the American people expect Congress to act in an informed manner. Quite frankly, other than select members of the Intelligence and Judiciary Committees, this Congress has not been fully informed about the circumstances surrounding this program. That is precisely why the investigation that is required under the legislation is so important and precisely why it is so important that we get the results of that investigation before we proceed.

We are talking about a program that was not conducted in accordance with the law and from what we do know may have violated the constitutional rights of many innocent Americans. I hope my colleagues will agree it is reasonable to keep these suits from being dismissed until at least we have a complete picture of what actions we are shielding from liability.

I yield the floor and yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, let me first, as I did last evening, begin by commending our colleague from West Virginia, Senator ROCKEFELLER, who has the unenviable task of chairing the Intelligence Committee, a complex committee with very serious issues before it. Whatever differences we have should not in any way suggest a lack of appreciation for what he and his staff and others do to try and bring forth legislation to allow us to balance the needs of our security as well as our rights as citizens.

It is that very question which draws me to this amendment I offered which will be subject to a vote in a few minutes. This is a debate that has gone on for the last 7 months, beginning with the Judiciary Committee's reports of last fall, a debate last December and that continued into January and has been going all winter and spring and about to be culminated with the decisions we are about to make over the next hour or so, including the amendment being offered by Senator SPECTER and Senator BINGAMAN, both amendments I intend to support.

The amendment I have offered, along with Senator FEINGOLD and a number of our colleagues, simply strikes title II of this bill. Title II of this bill is the title that grants retroactive immunity to the telecommunications industry.

The facts are very clear. The telecommunications industry, based on some documents, possibly a letter or others, decided it was appropriate for them to gather virtually all the e-mails, telephone conversations, and the like, of millions and millions of Americans, over a period of 5 or 6 years in the wake of 9/11. As I said repeatedly, had this gone on a month or a year or so, I would not have raised objections, given the emotion surrounding the attack on our country. But this program, I suggest, would still be ongoing had it not been for a whistleblower who helped identify the program.

This is not an issue of whether we disagree at all with revising the Foreign Intelligence Surveillance Act to comply with the needs as our enemies gather more sophisticated means by which they can do us harm. It is the age-old question which has confronted this Republic of ours for 232 years. And that is: How do we balance security with simultaneously protecting the rights under our Constitution? Every generation who has preceded us has wrestled with this question.

The one issue we do not subscribe to is the notion that to be more secure, you have to give up rights. That is a fundamentally flawed idea. Every generation who has suggested and adopted it has regretted it in one case after another. Whether it was internment of Japanese Americans out of fear and other such cases, in every instance when we abandoned rights for security, we have come to regret it deeply.

I come, again, to offer this idea to allow the judiciary to do their job. That is what they exist for, that is why the Founders created three coequal branches of Government—the executive, legislative, and judicial branches.

We are not deciding the case. We are merely saying the courts ought to do that. Retroactive immunity for companies that may have broken the law may well soon become the law. That is the danger. As certain as it appears the outcome of the votes will be, equally certain, in my view, is that this matter will not end today regardless of what we do. This will end up in the courts, and there, not only the wisdom of granting retroactive immunity to these companies will be questioned but the constitutionality of that decision.

I have spoken at length about this legislation. It subjugates the role of the courts. But even as this body moves forward with this bill, opponents of retroactive immunity can take some solace in knowing it will still ultimately be the judiciary that decides the constitutionality of this action, as the Framers intended.

I can hardly see how it would have passed muster with our Founders. It was, after all, James Madison who said:

I believe there are more instances of the abridgment of the freedom of the people by gradual and silent encroachments of those in power than by violent and sudden usurpations.

He spoke those words at the Virginia Convention to ratify the U.S. Constitution.

I can hardly see how men who did not simply utter such sentiments, but rather sacrificed everything in the name of them, could have envisioned America ceding her hard-fought liberty in a moment of fear or weakness.

Is this bill constitutional? This is not for me or any one of us to decide. I am not a judge. None of us are. We are not a jury in this case. None of us are. We are Senators who treasure the document we have sworn to uphold. I have kept a copy with me every day, going back the 27 years I have served in this body.

What is for this body is to decide how we best safeguard our Nation's security. Greater security for our citizens is what, of course, all of us want from this bill. But if we have learned anything from this administration, it is that there is a right way to protect our Nation and a wrong way.

We learned that when even those of us in this body act with the best of intentions, we can still do lasting damage because we are not acting with foresight and prudence but with an impulsiveness and, in too many cases, out of fear.

No one doubts for a moment the gravity of the threats we face or continue to face. No one suggests we do not have an obligation to monitor terrorists' communications with the utmost of vigilance. I wish to make sure the Government has every tool it needs to do so. I have no interest whatsoever in denying our Government what it needs to make our country safe. I want our President to have the capabilities to stop terrorists before they act, before they inflict harm on our country, our communities, and our families. I think we can and must do that in a way that balances national security with our rights and liberties.

But for reasons I have described at length in previous debates, this so-called compromise strikes no balance at all, in my view.

Let us be very clear, the courts have continuously shown an ability to handle cases with sensitive security issues. Chief Judge Vaughn Walker, a Ronald Reagan appointee to the District Court to the Northern District of California, who has virtually overseen all the cases challenging the NSA's warrantless wiretapping program, demonstrated this once again.

In a case against the Government, Judge Walker recently ruled ''FISA preempts the state secrets privilege in connection with electronic surveillance for intelligence purposes . . . '' This ruling suggests that in suits against the telecommunications companies, they will be able to defend themselves and not be hamstrung by the state secrets privilege. At the very least, this decision highlights how premature it would be for Congress to grant retroactive immunity at this time.

The sum and substance of our argument is very simply this: Now is not the time to close the courthouse doors on this issue. I cannot say it enough. My trust remains in the courts in cases argued openly and judges presiding over them and juries of American citizens who decide them. Our courts should be a source of our pride, not our embarrassment. They deserve the chance to do the job the Framers intended them to do.

As complex, as diverse, as relentless as the assault on the rule of law has been, our answer to it is a simple one. Far more than any President's lawlessness, the American way of justice remains deeply rooted in our character as a people that no President can disturb. That is why, even on this day, I remain full of hope and faith that we can unite security and justice because we already have over the generations.

I harbor no illusions about what is about to happen with this legislation or its consequences. But even as this long fight draws to a close, it is worth pausing for a moment to recognize those who have joined us in writing its many chapters. They have not been written by any one hand alone.

Senator RUSS FEINGOLD of Wisconsin has fought this battle with me from the very beginning. His leadership has been articulate, his commitment unwavering and unyielding.

The Senator from Vermont, Mr. LEAHY, the chairman of the Judiciary Committee, fought valiantly to bring the Senate Judiciary Committee version of this bill that he crafted to the floor of this body. He has been a staunch opponent of retroactive immunity.

The majority leader, HARRY REID of Nevada, has stood with us on this fight. I thank him for it as well. It has not been easy to have been the majority leader taking the position he has and also managing this bill to move forward. Even as he fought and sought to balance his personal opposition to retroactive immunity with his responsibility to move this legislation as leader, he has given us every opportunity to speak out against this legislation. He has worked hard to make sure the world's foremost deliberative body, as it is often called, would, indeed, be given a chance to deliberate over a matter that goes to the very core of who we are as a republic. In Congresses past, I cannot say, with certainty, that my colleagues and I would have been afforded the opportunity the majority leader has given each and every one of us, and I thank him for it.

Lastly, I thank the thousands who joined with us in this fight around the country, those who took to the blogs, gathered signatures for online petitions, created a movement behind the issue, men and women, young and old, who stood up, spoke out, and gave us the strength to carry on in this fight. Not one of them had to be involved, but they chose to be involved for one reason and one reason alone: their deep love for this country, the Constitution, and its liberties. They remind that the silent encroachment of those in power, as Madison spoke of, can, in fact, be heard if only we are willing to listen.

All of us, my colleagues and citizens around the country, share a fundamental belief in our Constitution. We believe our constitution isn't incidental to our security, rather it is its very foundation. This notion that it is the rule of law that keeps us safe should not be controversial. There should not be a partisan divide. I take no backseat, as no one does, when it comes to protecting America's safety and security. But if history has taught us anything, it simply doesn't require sacrificing our freedoms to do that.

I do not believe history will judge this President kindly for his contempt of the rule of law. But will history be any kinder to those of us who have served as these transgressions have occurred on our watch? I have two young daughters. Their generation is going to ask their parents and grandparents some very pointed questions:

Where were you when the President asked you to repudiate the Geneva Conventions and strip away the rights of habeas corpus? Where were you when stories of secret prisons and outsourced torture first began to surface and then became impossible to deny? And of today, they will ask: Where were you when Congress was persuaded to shield wealthy corporations that may well have knowingly acted outside of the law to spy on our fellow citizens? Where were we in that debate?

History will not forget. It will not forget our role in any of this. And just as surely as subsequent generations will ask all of us those questions, what will be clear is that we will have failed to ask ourselves one very fundamental question: Does America stand for the rule of law or for the rule of men? That question never goes away. It has been the same question asked for more than two centuries. It has been with us, of course, these past 7 years in very strong and poignant ways. It will haunt us long after this bill passes, long after this administration recedes into history, long after we all have passed into history ourselves. Indeed, generations of leaders and free societies have struggled to answer the question for thousands of years.

That is the question every generation must answer for themselves. It is a battle for the American soul, waged between our better angels and our worst fears. Our Founders answered the question correctly. I ask the question: Will we?

Mr. President, allow me to close with one of my favorite quotations, one I have recited many times on the floor of this Chamber. It is from Justice Robert Jackson's opening statement at the Nuremberg trials in the summer of July of 1945. He said . . .

That four great nations, flushed with victory and stung with injury, stay the hand of vengeance by voluntarily submitting their captive enemies to the judgment of the law is one of the most significant tributes that Power has ever paid to Reason.

The tribute that Power owes to Reason is as clear today as it was when those words were spoken more than half a century ago. That America stands for a transcendent idea; the idea that laws should rule, not men; the idea that the Constitution does not get suspended for vengeance; the idea that when this Nation begins to tailor its eternal principles to the conflict of the moment, it risks walking in the footsteps of the very enemies we despise. As Margaret Thatcher said: ''When law ends, tyranny begins.''

Today, let us pay the tribute that Power owes to Reason today—in this moment, with these votes. I implore my colleagues to vote against retroactive immunity, against cloture, and above all, for the rule of law.

Mr. President, I yield the floor.

Mr. ROCKEFELLER. Mr. President, yesterday, we heard some discussion of last week's decision in the district court in California. In that case, the court ruled that FISA limits the power of the executive branch to conduct foreign intelligence surveillance activities and limits the executive branch's authority to assert the state secrets privilege. That opinion, however, is only minimally relevant to the debate before us today for three reasons.

First, the decision was in a case against the U.S. Government. In contrast, title II applies only to cases against telecommunications companies, not to suits brought against the Government. The case will therefore be unaffected by title II.

Furthermore, because a provider could be entitled to protection from suit under existing law even if the Government acted unconstitutionally, this decision does not resolve the question of whether telecommunications companies acted lawfully or should be entitled to immunity.

Second, the decision in the case is only one step in a lawsuit that may continue in the district court and which will likely be appealed. This decision, which is a long way from being final, does not affect the need for the Congress to act on this legislation.

Third, the court found that the civil liability provisions of FISA trump the state secrets privilege only to the extent that those civil liability provisions apply. This is not a broad exemption to the state secrets privilege. The opinion does not change the fact that the companies are and, unless we pass title II, will continue to be unable to assert their statutory defenses because of the Government's assertion of the state secrets privilege.

The one thing that the decision shows us is that the court can consider the issue of constitutionality in those suits being brought against the Government. Congress therefore does not need to require the courts to consider that issue in suits against private companies.

The PRESIDING OFFICER (Mr. CASEY). The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, is there a time set for the beginning of the votes?

The PRESIDING OFFICER. There is not. There is approximately 30 minutes of debate remaining.

Mr. ROCKEFELLER. This Senator wanted to be clear about that because Senator BOND will be coming. I will speak shortly, and then he will come down to speak also.

Mr. President, we are at quite a remarkable period now, because we are actually closing the debate on something which we have been discussing in this Chamber, in committees, around the Congress, in the press, in general, for quite a long time. It has been an amazing debate, and today we close debate on the Foreign Intelligence Surveillance Act Amendments of 2008.

I wish to thank all of my colleagues for engaging in this critically important debate, both on and off the Senate floor, whether for or against whatever amendments we will be voting on today. People have expressed their principles, they have been articulate, they have spoken with restraint and dignity and eloquence, and I respect that very much. I think that is the essence of senatorial behavior. We have vigorously debated the appropriate controls for electronic surveillance to collect foreign intelligence information since the disclosure was made 2½ years ago about the President's wireless surveillance program, which is a travesty—a travesty from 2001 to 2007. An absolute travesty. And because of the contributions not only of those who have supported earlier versions of this legislation but also of those who have opposed various provisions to deal with those issues, we have moved forward to craft, in this Senator's judgment, a strong bipartisan, bicameral compromise that is supported not just by the Senate but also by the House, which was unwilling to support it before at all, but also by the Attorney General and the Director of National Intelligence, both of whom are entirely relevant to what is in this bill and what is to be said about what is in this bill.

This final product is critical to the Nation's security. I am aware of both our rights and our security. In my job as chairman of the Intelligence Committee, I have to look at both. I was brought up in a tradition, in a family which worried about rights, and I have fallen into a position where I am in a position to see what goes on in this world. In a post-9/11 situation, it is very different. It is like comparing fighting wars against the Soviets as opposed to against al-Qaida, the Taliban, or whatever it is. It is a very different world. You can't tell who anybody else is, you can't tell what their intentions are, you can't tell what is in a suitcase which might be lying anywhere in this building or anywhere else.

When you walk around this Capitol, you see levels of security which you have never seen before. We frequently evacuate this building and our offices, all because of what happened on 9/11, and what had been planned well before that. So it is serious. And not that it makes any difference—it makes us no more important than any other citizen in the United States—but we do know that United Airlines 93 was headed for this building and for this complex. So there is an instinct to understand that those who oppose us and who would have us change our way of life and punish us for what they see as our sins are very serious in their work, patient in their work, and willing to wait to continue their work.

The final product is, therefore, critical to the Nation's security, and it sets forth a legal framework to reflect the enormous changes in telecommunications technology over the last 30 years. The bill couples this improvement in foreign intelligence collection against foreign targets overseas with important protections for civil liberties, including the review by the Foreign Intelligence Surveillance Court of the targeting and minimization procedures governing these collection activities.

In addition, the bill ensures that when Americans overseas are the target, that a FISA Court judge, rather than the Attorney General—in a very important change—decide that there is clear authority and probable cause for intelligence agencies to target such an individual.

The bill also requires the Attorney General to develop guidelines to prevent prohibited activities, such as reverse targeting. That was put before us by Senator FEINGOLD, who is in opposition to this bill but who made that contribution to this bill, along with others, to ensure individual FISA Court orders are obtained, when required.

You can't do anything these days without a FISA Court review if you are in the Government. You can't do anything. That is only title I of the bill, not title II.

There are new oversight and reporting requirements to Congress in the agreement and a sunset date that means these issues will be addressed during the next administration. And I think that is very important, because some people said: Well, let this law be permanent and forever.

There were those of us who didn't want that to happen. We said: We are in new territory here. It is a post-9/11 world. It is very different. So we need to put down into law what we believe, but we also need to go back and review that, to make sure we have done it correctly. So in a period of 4½ years, during the administration of the next President, he will be able to review, along with us, what we have done and

decide if we need to make any changes. I like that. I think that is fair. I think that is democratic.

Certainly the most controversial aspect of this legislation has been those provisions that set standards and procedures that allow the courts to find limited immunity protection for electronic communication service providers alleged to have assisted the Government in the President's warrantless surveillance program. Under this agreement, however, these provisions are not the blanket immunity that the administration first proposed, nor are they a statement by the Congress either pro or con on the legality of the program.

We have debated these liability protection provisions in great depth over the past 2 days—over the past 2 years, really. As I have said in opposition to the amendments that were offered to strike or amend the limited liability provisions, I am convinced the bill takes the right approach. We did have efforts to have substitution rather than immunity, and they were defeated. They were defeated in the Judiciary Committee, they were defeated on the floor of the Senate, and it was thought if they would be brought up again, they would have been defeated again. So we have been through this. The Senate has worked its judgment on that approach.

I believe the requirement in the bill for the inspectors general to complete a comprehensive review of the President's program is much more likely to provide the American people a complete set of facts about the program on a timely basis, to the extent that classification permits, than would continuation of the pending litigation. In other words, we have improved it.

And to be quite honest, we passed this 13 to 2 in committee, and then with 68, 69 votes, whatever it was in the Senate, we passed the Senate bill that came out of the Senate Intelligence Committee, but the House had not. They were not happy. They had their reasons. And so we went to them, the vice chairman, CHRISTOPHER BOND, and myself and our staff, and we worked with them endlessly. We worked with the White House, to some extent; with the DNI, the Director of National Intelligence, the Attorney General's office, extensively working through individual ways of compromising to make sure that we could protect companies that provide the intercept and the collection of communications we need to get, but to do so in a way which made it clear that the Government was the issue, not them. And we have done that.

Finally, with this agreement, we settle the issue of whether past or future congressional authorizations for the use of military force that do not include a reference to surveillance may be used to justify the conduct of warrantless electronic surveillance. This was an extraordinarily important thing to do, and Senator FEINSTEIN deserves a lot of credit for that—the exclusivity amendment. We have said you cannot conduct any of this collection outside of FISA. You have to have a warrant. You cannot go outside. You cannot use what the President likes to refer to as inherent powers to do anything he wants. You can't do that. You have to have authorization from the Congress in order to do that. That is clear—for the first time in this bill. That is huge. That restricts some of the comments we have been hearing earlier.

FISA remains the exclusive means by which electronic surveillance or interception will be conducted from this point forward unless the Congress sees some reason to make it either stronger or whatever. With enactment of this bill, there will be no question that Congress intends that only an express statutory authorization for electronic surveillance or interception may constitute an additional exclusive means for that surveillance or interception. In other words, you cannot do anything more without congressional authorization. That is oversight. That is what we ought to be doing. It is what we should have done but we didn't do. The world changed. We didn't change quickly enough. But we have changed enormously in this bill.

This is buttressed further with the clarification that criminal and civil penalties can be imposed for any electronic surveillance that is not conducted in accordance with FISA or specifically listed provisions of title 18.

In closing, I would like to address my colleagues who would have preferred a different result than the agreement before us today. I urge them not so much now—there being not much time—but I urge them in the coming days, weeks, and months to look at this legislation in its entirety; not to think about a single point here or a single point there but to look at the whole texture of it. This is what we are doing. That is why we have a sunset date, so we will again be looking at it, looking at the larger picture, seeing what the balance really is and are we keeping it properly as between safety and civil rights, individual rights. That is very important.

This is a bill which provides a framework and stability within the Foreign Intelligence Surveillance Act for a collection system that will work well for national security. That is very important to this Nation. That is very important to this body and to every single American. This bill is vastly better than the Protect America Act, obviously, enacted last August, and much preferred to any additional short-term extension of that flawed statute—which was one approach. This is a bill which contains important safeguards for civil liberties and effective mechanisms for oversight.

I do not think any of the committees that deal with these measures will ever be the same again, nor have they been in the last year and a half with respect to oversight. The vigor, the passion with which we sought, leveraged, coerced in some cases, the administration to make more people read into the program, to make more people a part of the discussion, make more people a part of the knowledge which they held so closely to themselves—I remember at one point I was one of 4 out of 535 people who were briefed on the program, and they kept saying on television: The Congress is briefed. And this was a joke, this was a farce. I will not go into it further but, believe me, it was. They did not do that, they did not want to do that. That is their nature. Now it is different. Now we are all over them. And we have a lot more to do before this Congress gets out with respect to the oversight factor of Congress, which is so important to us and to the Nation.

Support for the agreement says to the intelligence professionals who will implement the new authority that Congress takes seriously its oversight responsibilities. Some of them do not like that fact. They do not want us to. They want to be able to do what they have always done because they could do what they always wanted to do—before the world changed. Now they cannot. Yes, we have had intelligence committees for a long time, and, yes, they have done work for a long time, but there has never been a greater need for tough oversight.

Sometimes when the Director of the CIA calls me—and I don't think I am saying anything privileged here—and he wants to tell me about something good that has happened—it is a secure conversation on a secure phone—I say: Look, when I hear from you, I want to hear what you want to tell me that is good, and I also want to hear from you about something that is not working right.

That is the pattern which is developing. They are a little more timid about coming up to us. We have to negotiate more to have them come before us, but we do it because we need them and they need our oversight. They are not free to do entirely what they want to do, but we have to give them the full right to keep us safe, yet balance, as I believe we do in this bill, civil liberty protections.

I simply close by congratulating all people involved. I think for a subject which was meant to be understood by so few in this body, many people have expressed views on the floor and to many of us in private. It has been the subject of caucus discussions.

It is a major piece of legislation, and I urge my colleagues to oppose the three remaining amendments, and I urge my colleagues to vote yes on final passage. They will serve their Nation well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, is there an order established here under unanimous consent?

The PRESIDING OFFICER. There is 3 minutes remaining for the Senator

from Wisconsin, Mr. FEINGOLD, and 9 minutes for the Senator from Missouri, Mr. BOND.

Mr. NELSON of Florida. Will the Senator allow me to have a couple of moments?

Mr. BOND. Off Senator FEINGOLD's time.

Mr. NELSON of Florida. What is the procedure? Since Senator FEINGOLD is not here, is that locked in as such for him?

Mr. ROCKEFELLER. Mr. President, might I inquire whether that was entirely necessary—or, rather, of the Parliamentarian—is that entirely necessary? The Senator does wish to speak. We are not starting votes quite yet. There does not seem to be a total limit on that, a time set for that, and the Senator has been wanting to speak for a number of days. I would be happy if he would be able to do that.

The PRESIDING OFFICER. There is only 3 minutes on the majority side for Senator FEINGOLD. It would require unanimous consent.

Mr. ROCKEFELLER. What about leader time?

The PRESIDING OFFICER. Only the leader has leader time.

Mr. ROCKEFELLER. And that is correct.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Ms. CANTWELL. Mr. President, I rise today to express my strong disappointment with the FISA Amendments Act of 2008, H.R. 6304. While proponents of this bill have claimed this bill was designed to monitor foreign-to-foreign communications that pass through the U.S. without a warrant, the bill actually goes much further—providing a broad expansion of authority to conduct domestic surveillance.

We all want to protect our country's national security interests and protect Americans from those who would do us harm, but to do so without accountability or without adequate checks and balances is contrary to the vision of our Founding Fathers.

I recognize that some changes have been made to this bill over the past 6 months but those cosmetic changes have failed to adequately protect the privacy rights of innocent Americans.

This bill permits the Government to collect all Americans' international communications, even communications of innocent Americans with no connection to terrorism or other national security concerns. This bulk collection of innocent Americans' private communications is unacceptable and contrary to American values and fundamental Constitutional protections.

While this administration has ignored the congressional mandate that the Foreign Intelligence Surveillance Act is the exclusive means for conducting wiretapping activities on American citizens, Congress can not ignore the weighty constitutional issues being decided here today.

I am also very troubled that telecom companies will not be held accountable for participation in the Bush administration's warrantless surveillance program. Congress should not be providing blanket immunity for telecommunications companies that cooperated with the administration's warrantless wiretapping programs. We don't know precisely what those companies did or the full extent of what they did.

This bill effectively grants retroactive immunity to companies that aided the Bush administration's warrantless wiretapping over the last 7 years. It would effectively dismiss 40 cases pending against the telecommunications companies that are undergoing judicial review. Judicial review is a critical component of our Government to check potential overreaching by the executive branch.

This administration wants to ensure that no court has the opportunity to review potential illegal activity, effectively slamming the door shut before the judicial system can determine whether American citizens' rights were violated.

This is why I voted in support of Senator DODD's amendment to strike the immunity provision today, and I am disappointed that it was not adopted. Congress should respect judicial review and not take away the only opportunity for redress available to American citizens for potential overreaching by this administration.

According to public documents and media reports, a telecom company allegedly split off a copy of the Internet traffic transported over fiber-optic cable running though its San Francisco office and diverted it to another room under the supervision of a Federal Government agency, where the copy was transported to equipment that could review and select out the contents and data mine call patterns of communications.

The reason I say allegedly is because all the details are classified, sources and methods, and those who do not know can at best only make educated guesses while those who do know can not or will not say.

Now the Electronic Frontier Foundation believes that the telecom company has deployed similar facilities in 15 to 20 different locations around the country, implying a significant fraction of the communications to and from the telecom firm's domestic customers could have been examined illegally. And it is critical that we get to the bottom of this.

Congress would be acting even though only last week Judge Walker issued a key ruling holding that held that the government could not prevent plaintiffs from submitting unclassified evidence to support their claims against telecommunications companies. Congress should respect the judiciary's role and allow it to move forward with these cases.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BOND. Mr. President, how much time do I have?

The PRESIDING OFFICER. Nine minutes.

Mr. BOND. I yield a minute and a half to my distinguished colleague from Florida.

Mr. NELSON of Florida. I am grateful to the vice chairman. I wish to say—and I will do it in a minute and a half—how much I appreciate the chairman and vice chairman being able to come up with a product that we need so we get some certainty about the court review of this process so we can balance this interest of going after the terrorists but at the same time protecting the civil liberties of American citizens and American persons who are here legally in the country. I think the bill does that. We have struggled with it for a year and a half in our committee. I am certainly going to support the final product.

There are obviously some matters we have had in the Intelligence Committee that we are not able to discuss here. I am sure the people listening understand that. I just want to say on the controversial issue of immunity that I do not believe in blanket immunity for the phone companies, and that is why, when this issue was in front of our Intelligence Committee, I offered language to deny them immunity. But it failed, my amendment, and it failed miserably. So when it came to the floor, I offered a compromise to the full Senate, along with Senator FEINSTEIN, that would have required a special court to review the phone companies' action, but that failed as well.

Now I am backing an amendment by Senator BINGAMAN that would at least delay immunity until the inspectors general of the U.S. Government complete their investigation of the President's warrantless wiretapping program. Upon completion of the report, the Senate will have 90 days to act before immunity is granted to the telecommunications companies. This will allow us time to change some minds if real wrongdoing is found.

Overall, I believe this legislation significantly improves civil liberties protections for Americans while enabling our intelligence community to listen in on terrorists. This is an important step forward and I will support this legislation.

Mr. BOND. Mr. President, I thank the distinguished Senator from Florida, who has been a hard-working member of the Intelligence Committee and has been a great contributor. I am sorry he does not agree with the compromise we reached with the House to have the district courts make a review. I think that is important. That satisfies our needs.

Several points made on the floor today and previously need to be answered. It has been said that the new surveillance powers allow the Government to collect all communications between the United States and the rest of the world, millions and millions of communications between innocent Americans, parents calling children

abroad, people serving in Iraq. There is no prohibition on reverse targeting.

A plain reading of the bill shows us that this statement is simply inaccurate. As the Senator from Utah said earlier today: Unless you have al-Qaida on your speed dial, you are not going to be collected against. There are safeguards in place to ensure that any conversations that do not have foreign intelligence information will not be kept or shared, they will be minimized or suppressed.

Americans either inside or outside the United States may not be targeted without court order. That ''outside of the U.S.'' protection was something we added on a bipartisan basis in the Senate Intelligence Committee.

In addition to approving any collection against Americans, anybody in the United States, an American overseas, the FISA Court will review all procedures used to target foreign communications and make sure that communications with innocent Americans are minimized or suppressed.

As far as reverse targeting goes, I refer my colleagues to section 702(B) of the bill which says:

> An acquisition authorized under subsection 8 may not intentionally target a person reasonably believed to be located outside the United States if the purpose of such acquisition is to target a particular known person reasonably believed to be in the United States.

I can assure you that I and other members of the Intelligence Committee have reviewed the procedures, have seen the operations, know the supervision, and know the very tight constraints under which these professionals operate. They are overseen by supervisors, by higher level authorities, by inspectors general, by lawyers, their own lawyers, and lawyers from the Department of Justice. Somebody made an error and collected some criminal information a year or so ago and that was dealt with appropriately. There is no ability for somebody, even a rogue who happens to get in, to get away with targeting innocent American communications.

There has been a lot of debate also about the Senators having access to all of the information. As I pointed out earlier, we set up the Senate Select Committee on Intelligence to provide the most highly classified information to members of the committee. I have worked hard with the chairman, and we have opened to the full Intelligence Committee far more information than we ever got before, because I believe the Intelligence Committee has a heavy responsibility to make sure that what is being done stays within the law, stays within the guidelines, and protects the rights of American citizens.

But if you say that every intelligence matter should be briefed to the entire Congress, where does that stop? Should we then brief the New York Times directly so they can publish a story and decide whether the intelligence activity is acceptable? I think not. I think we have seen the problems that occur when leaks have compromised our intelligence. They have done it too often.

Some people still want to debate the legality of the TSP, saying it is blatantly illegal. Well, they persist in their belief that the President lacks the constitutional authority to conduct warrantless foreign intelligence surveillance, even though article II has not changed in over 200 years.

The FISA Court itself, en banc, In re: Sealed Case, has noted the President has that authority, and if the Congress tried to pass a law saying the President does not have that authority, it would be found to be unlawful.

The intelligence community has been overseen by the Intelligence Committee, and we have found clearly that the companies acted in good faith. Regardless, however, of the legality of the President's TSP, it is a matter of fundamental fairness. These providers should not be punished by forcing them to litigate frivolous claims or by delaying this much needed relief.

Without these companies, without their active participation on this and many other matters, the intelligence community is fearful and has lost cooperation in the past. They are taking risks by being good patriotic Americans, and there are some who want to punish them. They want to kick them to get at the administration. Well, this bill does not prohibit lawsuits against the Government or Government officials.

I believe the time has come for us to pass a bill after 15 months. We now know that we have before us the ability to give clear authority, direction, and guidelines to the intelligence community to operate to keep us safe. We have added new protections, and if the President had not followed the advice of the ''gang of eight'' and had tried to reform the FISA rather than using article II, we would not only be debating September 11, there would be many others.

I urge my colleagues to vote down all these amendments and pass this badly needed modernization of intelligence collection, electronic surveillance, and the provisions of the additional privacy rights and protections for American citizens.

I yield the floor.

AMENDMENT NO. 5064

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided prior to a vote on the amendment offered by the Senator from Connecticut, Mr. DODD.

Mr. ROCKEFELLER. All time has been yielded. I ask unanimous consent, en bloc, that the vice chairman and I ask for the yeas and the nays on all of the upcoming votes.

The PRESIDING OFFICER. Without objection, the yeas and nays may be requested on all three amendments.

Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

The Senator from Connecticut.

Mr. DODD. There is 2 minutes equally divided?

The PRESIDING OFFICER. The Senator is correct.

Mr. DODD. Mr. President, this has been a long debate. It started last fall. Again, let me commend the two members here, the chair and ranking member of the committee. I respect their efforts. But my friend from Missouri has made my case. This is a matter for the courts to decide, not for the legislative branch to decide. It is why we have three coequal branches of Government.

It is not our business as a juror and judge to determine the legality of what occurred here. This much we do know through published reports: Since 1978, 18,748 requests for warrants from the FISA Court have been granted; 5 have been rejected.

Why did this administration not proceed with the normal course of events here and seek justification and legal authority for the vacuuming up of private information of American citizens? All of us here want our agencies to do everything they can to protect our security. But all of us equally care about the liberties of our country.

The false dichotomy that is being suggested by what is in this bill, that in order to be more secure we have to give up rights, is a dangerous dichotomy. It is a false choice.

Previous generations have made it. We should not. Let's strike this title, allow the courts to determine whether what occurred was legal and then proceed.

Some of the companies did not do what others did because they felt it was not legal, what they were being asked to perform. Clearly there was some doubt in the minds of people as to justification. So I happen to believe the best way to proceed, as did Judge Walker, appointed by Ronald Reagan to the district court which has handled most of these NSA cases in the past, that the secret privilege will be protected, the court can do its job and determine the legality here. It is not the place for the Senate to act as the judicial branch of Government. That is why the Founders created three coequal branches of Government. That is what the issue is, the rule of law or the rule of men. That is what this amendment does by striking this title and allowing these matters to go before the court. I urge the adoption of the amendment.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Permit me to relieve the Senator from Connecticut, a good friend and a good legislator, of some of his concerns. No. 1: During the President's terrorist surveillance program, even though it was operating under article II, he went to the FISA Court to get warrants for listening in on American communications, the same procedure we have outlined in this bill

today. But what he was able to do was to listen in on terrorists reasonably believed to be abroad, which is now included in our bill.

Article II is clear that he has that right. Article II was used by President Bill Clinton for a physical search, a physical search of Aldridge Ames' home; and the Congress responded by giving him more power.

Secondly, it is said that the article II should be challenged. I point out that there is no ban, no ban on lawsuits such as a lawsuit before Judge Walker, on lawsuits going forward against the Government or Government officials.

The Intelligence Committee conducted a comprehensive review of the TSP. We determined, on a strong bipartisan basis, that the providers acted in good faith pursuant to representations from the highest level of the Government that the TSP was lawful. It is not right to punish patriotic Americans who step forward and help their Government by subjecting them to harassment of lawsuits.

I urge the defeat of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 32, nays 66, as follows:

[Rollcall Vote No. 164 Leg.]

YEAS—32

Akaka	Dodd	Murray
Baucus	Dorgan	Obama
Biden	Durbin	Reed
Bingaman	Feingold	Reid
Boxer	Harkin	Sanders
Brown	Kerry	Schumer
Byrd	Klobuchar	Stabenow
Cantwell	Lautenberg	Tester
Cardin	Leahy	Whitehouse
Casey	Levin	Wyden
Clinton	Menendez	

NAYS—66

Alexander	Domenici	McConnell
Allard	Ensign	Mikulski
Barrasso	Enzi	Murkowski
Bayh	Feinstein	Nelson (FL)
Bennett	Graham	Nelson (NE)
Bond	Grassley	Pryor
Brownback	Gregg	Roberts
Bunning	Hagel	Rockefeller
Burr	Hatch	Salazar
Carper	Hutchison	Sessions
Chambliss	Inhofe	Shelby
Coburn	Inouye	Smith
Cochran	Isakson	Snowe
Coleman	Johnson	Specter
Collins	Kohl	Stevens
Conrad	Kyl	Sununu
Corker	Landrieu	Thune
Cornyn	Lieberman	Vitter
Craig	Lincoln	Voinovich
Crapo	Lugar	Warner
DeMint	Martinez	Webb
Dole	McCaskill	Wicker

NOT VOTING—2

Kennedy	McCain

The amendment (No. 5064) was rejected.

AMENDMENT NO. 5059

The PRESIDING OFFICER. There will now be a period of 2 minutes of debate, equally divided, prior to a vote on the amendment offered by the Senator from Pennsylvania, Mr. SPECTER.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate is not in order. Please take your conversations out of the Senate.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I urge my colleagues to vote for the pending amendment to avoid two unprecedented actions. One is that the Senate is being called upon to vote on retroactive immunity for a program that most of the Members do not know and have not been briefed on. We frequently vote on matters that we do not know about but not when it is so blatant, when it is on the record that we do not know about it, we are caught red-handed. We ought not to be giving retroactive immunity on a program where most of the Members have not been briefed.

The second unprecedented act would be to intervene in a court decision which has been pending for 3 years, where a judge has found the terrorist surveillance program unconstitutional, where it is on appeal to the Ninth Circuit. And Marbury v. Madison, which is the cornerstone of this democracy, says the courts have to interpret the Constitution.

Mr. BYRD. Right.

Mr. SPECTER. Vote for this amendment.

I thank the Chair, especially for securing order. It is unprecedented. There is another unprecedented act today.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I oppose this amendment, which would require the district court to assess the constitutionality of the President's program—which is not what this is about—before it could dismiss cases against any telecommunications companies which participated in it.

The amendment unnecessarily puts the burden of constitutionality—a burden that lies squarely on the shoulders of the Government—on the shoulders of telecommunications companies that cooperated with the Government in good faith. This is unfair.

Because the Government requires prompted cooperation from telecommunications companies, we do not ask those companies to make detailed legal assessments prior to cooperating with the Government. Their protection from suit should not be limited based upon constitutional questions they had no obligation to assess.

The significant constitutional question of whether the President's program was constitutional or lawful is properly addressed in cases against Government officials who are not immune. These cases can and should continue, without regard to this legislation.

I ask that people oppose this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. MENENDEZ). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 37, nays 61, as follows:

[Rollcall Vote No. 165 Leg.]

YEAS—37

Akaka	Dorgan	Obama
Baucus	Durbin	Reed
Biden	Feingold	Reid
Bingaman	Harkin	Sanders
Boxer	Kerry	Schumer
Brown	Klobuchar	Specter
Byrd	Kohl	Stabenow
Cantwell	Lautenberg	Tester
Cardin	Leahy	Webb
Casey	Levin	Whitehouse
Clinton	McCaskill	Wyden
Conrad	Menendez	
Dodd	Murray	

NAYS—61

Alexander	Domenici	Mikulski
Allard	Ensign	Murkowski
Barrasso	Enzi	Nelson (FL)
Bayh	Feinstein	Nelson (NE)
Bennett	Graham	Pryor
Bond	Grassley	Roberts
Brownback	Gregg	Rockefeller
Bunning	Hagel	Salazar
Burr	Hatch	Sessions
Carper	Hutchison	Shelby
Chambliss	Inhofe	Smith
Coburn	Inouye	Snowe
Cochran	Isakson	Stevens
Coleman	Johnson	Sununu
Collins	Kyl	Thune
Corker	Landrieu	Vitter
Cornyn	Lieberman	Voinovich
Craig	Lincoln	Warner
Crapo	Lugar	Wicker
DeMint	Martinez	
Dole	McConnell	

NOT VOTING—2

Kennedy	McCain

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is withdrawn.

AMENDMENT NO. 5066

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided prior to a vote on the amendment offered by the Senator from New Mexico, Mr. BINGAMAN.

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, first, I ask unanimous consent that Senator FEINSTEIN be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, the bill that is pending before us has the sequence of events in the wrong order. It provides that once the bill is enacted, companies can go into court and get the lawsuits dismissed. After that, there is an investigation provided for

by the inspectors general to determine what was going on in this program and what, in fact, we are providing immunity for. That is the wrong sequence.

What we ought to do is to stay the cases, stay any proceedings on these cases, keep them in court, have the investigation done—a 1-year investigation, which is provided for in the bill, and then have 90 days in which Congress can review that investigation and the results of it. Only after that would the companies be able to go into court and seek immunity. That is a much more realistic way to proceed. I am glad we have cosponsors of this amendment who support the final bill, we have cosponsors who oppose the final bill.

I hope all Senators will look at this and see this as something they can support. It would improve the legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Missouri.

Mr. BOND. Mr. President, the simple fact is, the IGs have already reviewed this bill. I agreed to a limited inspectors general overall review, even though the Senate Intelligence Committee has reviewed the program on a bipartisan basis. At a time when we are urging more congressional oversight, why would we again turn over the question of the executive branch's actions to an executive branch agency when the committee has clearly said there is no reason to deny retroactive liability protection to these areas?

Now, there are some who don't like the program at all. There are some who don't like the administration. They want to kick the administration by penalizing the companies, by dragging the companies through a continuing stretch of frivolous lawsuits. The Senator from Pennsylvania admitted that there is going to be no recovery. The lawsuits are designed to kill it. This amendment would get a veto, and we would have to start all over. Please vote no.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, for Members here, we are going to do this vote now, and then the Republican caucus—because of Senator Helm's funeral—is going to be today. So when the Republican caucus is completed, at 2, 2:15, we will have the final two votes before a 4 o'clock vote today on Medicare. So we will have two votes this afternoon starting at about 2 or 2:15.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The yeas and nays have been ordered.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 42, nays 56, as follows:

[Rollcall Vote No. 166 Leg.]

YEAS—42

Akaka	Feingold	Murray
Baucus	Feinstein	Nelson (FL)
Biden	Harkin	Obama
Bingaman	Johnson	Reed
Boxer	Kerry	Reid
Brown	Klobuchar	Salazar
Byrd	Kohl	Sanders
Cantwell	Lautenberg	Schumer
Cardin	Leahy	Specter
Casey	Levin	Stabenow
Clinton	Lincoln	Tester
Dodd	McCaskill	Webb
Dorgan	Menendez	Whitehouse
Durbin	Mikulski	Wyden

NAYS—56

Alexander	Crapo	Martinez
Allard	DeMint	McConnell
Barrasso	Dole	Murkowski
Bayh	Domenici	Nelson (NE)
Bennett	Ensign	Pryor
Bond	Enzi	Roberts
Brownback	Graham	Rockefeller
Bunning	Grassley	Sessions
Burr	Gregg	Shelby
Carper	Hagel	Smith
Chambliss	Hatch	Snowe
Coburn	Hutchison	Stevens
Cochran	Inhofe	Sununu
Coleman	Inouye	Thune
Collins	Isakson	Vitter
Conrad	Kyl	Voinovich
Corker	Landrieu	Warner
Cornyn	Lieberman	Wicker
Craig	Lugar	

NOT VOTING—2

Kennedy	McCain

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is withdrawn.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:54 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Acting President pro tempore.

FISA AMENDMENTS ACT OF 2008—Continued

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 6304, the FISA Amendments Act of 2008.

E. Benjamin Nelson, John D. Rockefeller IV, Thomas R. Carper, Mark L. Pryor, Bill Nelson, Dianne Feinstein, Robert P. Casey, Jr., Barbara A. Mikulski, Claire McCaskill, Kent Conrad, Daniel K. Inouye, Mary L. Landrieu, Joseph I. Lieberman, Sheldon Whitehouse, Evan Bayh, Ken Salazar.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call is waived.

There is 2 minutes of debate evenly divided. Who yields time?

Mr. BOND. I yield myself 1 minute in support of cloture.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. Mr. President, some opponents of this legislation claim that Congress is usurping the authority of the courts and that their trust lies in single, lifetime appointed judges in the judicial branch. I strongly disagree.

The Constitution set up three coequal branches of Government. Our Constitution gives Congress the ability to determine the jurisdiction of Federal courts. This power is particularly important and necessary today in sensitive matters of national security.

Further, the courts, including the FISA Court, have recognized the executive branch's expertise in matters of national security. They have stated that national security matters are not within their purview. It is entirely appropriate for this Congress to end this litigation and not entrust this matter any further to the courts with respect to the liability of particular participants in the program in the private sector. They can still sue the Government. We think a matter of fairness requires we protect those who assisted.

The ACTING PRESIDENT pro tempore. Does anyone seek time in opposition? If not, all time is yielded back.

The question is, Is it the sense of the Senate that the debate on H.R. 6304, the FISA Amendments Act of 2008, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN, I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 72, nays 26, as follows:

[Rollcall Vote No. 167 Leg.]

YEAS—72

Alexander	Dole	McConnell
Allard	Domenici	Mikulski
Barrasso	Dorgan	Murkowski
Baucus	Ensign	Nelson (FL)
Bayh	Enzi	Nelson (NE)
Bennett	Feinstein	Obama
Biden	Graham	Pryor
Bond	Grassley	Roberts
Brownback	Gregg	Rockefeller
Bunning	Hagel	Salazar
Burr	Hatch	Sessions
Carper	Hutchison	Shelby
Casey	Inhofe	Smith
Chambliss	Inouye	Snowe
Coburn	Isakson	Specter
Cochran	Johnson	Stevens
Coleman	Kohl	Sununu
Collins	Kyl	Thune
Conrad	Landrieu	Vitter
Corker	Lieberman	Voinovich
Cornyn	Lincoln	Warner
Craig	Lugar	Webb
Crapo	Martinez	Whitehouse
DeMint	McCaskill	Wicker

NAYS—26

Akaka	Durbin	Murray
Bingaman	Feingold	Reed
Boxer	Harkin	Reid
Brown	Kerry	Sanders
Byrd	Klobuchar	Schumer
Cantwell	Lautenberg	Stabenow
Cardin	Leahy	Tester
Clinton	Levin	Wyden
Dodd	Menendez	

NOT VOTING—2

Kennedy	McCain

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 72, the nays are 26. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The question is on third reading of the bill.

The bill (H.R. 6304) was ordered to a third reading and was read the third time.

ELECTRONIC COMMUNICATION SERVICE PROVIDER

Mr. BOND. Mr. President, I rise to engage the distinguished chairman of the Select Committee on Intelligence in a brief colloquy.

Mr. ROCKEFELLER. I yield to the Senator.

Mr. BOND. I thank the Senator. Today we have been debating the merits of title II of this bill, the title that contains the carrier liability protection provisions. I know that we both agree that title II is critically necessary to protect our national security.

I would like us to focus for a moment on a small but important point related to the meaning of the term ''electronic communication service provider'' in title II. This is a term that was contained in the bipartisan Senate bill and was carried over in the current compromise bill.

The term ''electronic communication service provider'' was intentionally drafted to encompass the full spectrum of entities being sued in a covered civil action. For example, if a provider received a written request or directive and the only assistance provided to the Government by that provider's related corporate entities was pursuant to that written request or directive, the related corporate entities should be entitled to the protections of section 802 as long as any assistance they provided meets the requirements of that section.

Senator ROCKEFELLER, do we share this common understanding of the meaning of the term ''electronic communication service provider''?

Mr. ROCKEFELLER. Thank you, Senator Bond. I completely agree with your description of the meaning of ''electronic communications service provider.''

The definition itself makes clear that the term is intended to include entities that are telecommunications carriers, providers of electronic communications service, providers of remote computing services, and any other communication service provider that has access to transmitted or stored wire or electronic communications. Significantly, the definition also includes any parent, subsidiary, affiliate, successor, or assignee of such entities, as well as any officer, employee or agent of such entities.

Mr. BOND. Thank you Mr. Chairman.

Mrs. FEINSTEIN. Mr. President, as the debate over the FISA legislation comes to a conclusion, and as a member of the Intelligence Committee for 7½ years, I would like to comment once again on why I support this bill.

Let there be no doubt: 7 years after 9/11, our country continues to face serious threats. There are some who seek to do us grave harm.

So there is no more important need than obtaining accurate, actionable intelligence to help prevent such an attack.

At the same time, there have to be strong safeguards to ensure that the Government does not infringe on Americans' constitutional rights.

I believe this bill strikes an appropriate balance. It protects Americans and their privacy rights.

This legislation is certainly better than the Protect America Act in that regard and makes improvements over the 1978 FISA law.

This bill provides for repeated court review of surveillance done for intelligence purposes. It ends, once and for all, the practice of warrantless surveillance. It protects Americans' constitutional rights both at home and abroad. It provides the Government flexibility to protect our Nation. It makes it crystal clear that FISA is the law of the land—and that this law must be obeyed.

For more than 5 years, President Bush ran a warrantless surveillance program—called the terrorist surveillance program—outside of the law.

The administration did not have to do this. This specific program could have been carried out under FISA—and I believe it should have been.

With this bill, we codify and clarify that this limited, intelligence program will be carried out under the law.

This legislation allows the Government to collect information from members of specific terrorist groups or specific foreign powers. It is focused on collecting the content of communications from specific people. If those people are Americans, a warrant is required. Period.

So today, we are faced with three options:

No. 1. We can pass this bill. It is comprehensive and improves protections for U.S. persons and updates the FISA law to meet today's national security challenges; or

No. 2. We can extend the Protect America Act. This bill was a stop-gap measure passed last August for a 6-month temporary period to provide time to develop this legislation. It was meant to be temporary, and it should be only temporary.

No. 3. We can do nothing. If we do not pass legislation before mid-August, America will essentially be laid bare—unable to gather the critical intelligence that we need.

We will lose the ability to collect information on calls into and out of the United States from specific terrorist groups. The fact is, like it or not, the collection of signals intelligence is indispensable if we are to prevent another attack on our homeland.

Given these three options, I think the choice is clear.

The legislation is a significant improvement over the Protect America Act and over the 1978 FISA legislation.

Let me indicate certain substantial improvements:

This bill ends warrantless surveillance. Except in rare emergency cases, all surveillance has to be conducted pursuant to a court order.

The FISA Court reviews the Government's procedures and applications before surveillance happens.

This bill strengthens the court's review. Not only must the FISA Court approve any surveillance before it is started, this court is given more discretion, with a higher standard of review, over the Government's proposals. The Protect America Act limited the court to a rubberstamp review. This bill changes that.

This bill requires that surveillance be subject to court-approved minimization.

In 1978, Congress said that the Government could carry out surveillance on U.S. persons under a court warrant but required the Government to minimize the amount of information on those Americans who get included in the intelligence reporting. In practice, this actually means that the National Security Agency only includes information about a U.S. person that is strictly necessary to convey the intelligence. Most of the time, the person's name is not included in the report. That is the minimization process.

If an American's communication is incidentally caught up in electronic surveillance while the Government is targeting someone else, minimization protects that person's private information.

Now, the Protect America Act did not provide for court review over this minimization process at all. But this bill requires the court in advance to approve the Government's minimization procedures prior to commencing with any minimization program. That is good. That is the third improvement.

This bill prohibits reverse targeting. There is an explicit ban on reverse targeting. Now, what is reverse targeting? That is the concern that the National Security Agency could get around the warrant requirement.

If the NSA wanted to get my communications but did not want to go to the FISA Court, they might try to figure out who I am talking with and collect the content of their calls to get to me. This bill says you cannot do that. You cannot reverse target. It is prohibited. This was a concern with the Protect America Act, and it is fixed in this bill.

This bill goes further than any legislation before it in protecting U.S. person privacy rights outside of the

United States. It requires the executive branch to get a warrant anytime it seeks to direct surveillance of collected content from a U.S. person anywhere in the world. Previously, no warrant was required for content collection outside the United States.

Finally, there are numerous requirements in the bill for various review of the surveillance activities by agency heads and by inspectors general. The FISA Court and the Congress will be kept fully informed on the operations of this program in the future.

Finally, exclusivity. Mr. President, I have spoken multiple times on this floor about the importance of FISA's exclusivity provisions.

Before 1978, there was no check on the President's ability to conduct electronic surveillance. However, in 1978, Congress passed FISA, intending it to be the only way. Congress intended that FISA would be the only way—the exclusive means—to conduct surveillance on U.S. persons in the United States for foreign intelligence purposes. President Carter acknowledged that when he signed the bill.

Nonetheless, this administration took the position that FISA was not exclusive. First it stated that FISA didn't apply to these particular surveillance activities. Then it said that Congress gave it authority through the Authorization for the Use of Military Force in Afghanistan. Then it said that the President couldn't be bound by an act of Congress because he had his own authority under the Constitution.

I reject all of these arguments. And now a Federal court has addressed the subject of exclusivity head-on.

On July 2, Chief Judge Vaughn Walker of the U.S. District Court for the Northern District of California delivered a decision in a case brought against the U.S. Government for its surveillance. Judge Walker wrote:

> Congress appears clearly to have intended to—and did—establish the exclusive means for foreign intelligence surveillance activities to be conducted. Whatever power the executive may otherwise have had in this regard, FISA limits the power of the executive branch to conduct such activities and it limits the executive branch's authority to assert the state secrets privilege in response to challenges to the legality of its foreign intelligence surveillance activities. (M:06–cv–01791–VRW, p. 23)

These are powerful words in the opinion.

So it is not just clear legislative intent, it is the current judicial position that FISA was and is exclusive.

Yet, before the recess, it was asserted on the floor that the President has authority under article II of the Constitution to go around FISA. He does not, in my view.

Moreover, they claim that the exclusivity language in the bill acknowledges the President's constitutional authority to conduct electronic surveillance outside of FISA. It does not.

As the author of this language, let me state emphatically that the clear intent of the language is to bind the Executive to this law.

Now, certain Senators are contending that this exclusivity language would allow the President to go outside of FISA.

Let me be clear: this provision is not intended to, nor does it, provide or recognize any new authority to conduct electronic surveillance in contravention of FISA.

It was drafted very carefully with input and agreement from people from both sides of the Intelligence Committee and the Judiciary Committee, the Department of Justice, and the Office of the Director of National Intelligence.

The only way the President can move outside of FISA will be with another specific statute, passed by both Houses and signed by the President.

In summary, the exclusivity language in this bill absolutely does not recognize the President's claimed ''Article II'' authorities to conduct surveillance in contravention of FISA or any other law.

The bottom line is that FISA has always been the exclusive means to conduct electronic surveillance, and it continues to be the exclusive means. And no President, now or in the future, has the authority to move outside the law.

Finally, Mr. President, I want to set straight who in Congress was notified about the program and when. Some are saying that the Congress was briefed.

This is not true.

Eight Members of the House and Senate were briefed on the program around the time of its inception, shortly after September 11, 2001: the House and Senate leadership and the chairmen and ranking members of the Intelligence Committees.

The 13 rank-and-file members of the Senate Intelligence Committee, who by law are to be kept ''fully and currently informed'' of intelligence activities, were not briefed until well after the program was publicly disclosed in the New York Times in December 2005—4 years later. I want to make this crystal clear.

The chairman and the ranking member of the Judiciary Committee—which shares jurisdiction over FISA—were not briefed until a significant period of time after the full membership of the Intelligence Committee was notified.

Finally, I want to say a few words about immunity.

Let me be clear, this particular immunity language is not ideal. I would have approached this issue differently.

When the legislation was before the Senate in February, I moved an amendment to require that the FISA Court conduct a review of whether the telecommunications companies acted lawfully and in good faith. Unfortunately, my amendment was not adopted, but I continue to believe it is the appropriate standard.

I have cosponsored an amendment by Senator BINGAMAN that would stay action on all pending lawsuits until 90 days after Congress receives a report, required elsewhere in this bill, by the relevant inspectors general on the President's surveillance program. That would give Congress a chance to decide on immunity based on a third-party review. If lawmakers took no action within 90 days, the provisions would go into effect.

I have spent a great deal of time reviewing this matter. I have read the legal opinions written by the Office of Legal Counsel at the Department of Justice. I have read the written requests to telecommunications companies. I have spoken to officials inside and outside the Government, including several meetings with the companies alleged to have participated in the program.

The companies were told after 9/11 that their assistance was needed to protect against further terrorist acts. This actually happened within weeks of 9/11. I think we can all understand and remember what the situation was in the 3 weeks following 9/11.

The companies were told the surveillance program was authorized and that it was legal.

I am one who believes it is right for the public and the private sector to support the Government at a time of need. When it is a matter of national security, it is all the more important.

I think the lion's share of the fault rests with the administration, not with the companies.

It was the administration who refused to go to the FISA Court to seek warrants. They could have gone to the FISA Court to seek these warrants on a program basis, and they have done so subsequently.

So I am pleased this bill includes independent reviews of the administration's actions to be conducted by the inspectors general of the relevant departments.

This bill does provide a limited measure of court review. It is not as robust as my amendment would have provided, but it does provide an opportunity for the plaintiffs to be heard in court, and it provides an opportunity for the court to review these request documents.

Mr. President, this is not a perfect bill. It is the product of compromise designed to make sure that it provides the needed intelligence capabilities and the needed privacy protections.

I think the bill strikes that balance and that the Nation will be made more secure because of it.

Mr. BIDEN. Mr. President, I rise today in opposition to the Foreign Intelligence Surveillance Amendments Act of 2008. As one of the cosponsors of FISA in 1978, I am fully aware of the importance of giving the administration the surveillance tools it needs to keep us safe. This is a very difficult vote and I do not question the judgment of those who have chosen to support the bill. But because I am concerned that this bill authorizes surveillance that is broader than necessary to

protect national security at the expense of civil liberties and because it gives blanket retroactive immunity to the telephone companies, I have decided not to support it.

One of the defining challenges of our age is to combat international terrorism while maintaining our national values and our commitment to the rule of law and individual rights. These two obligations are not mutually exclusive. Indeed, they reinforce one another. Unfortunately, the President's national security policies have operated at the expense of our civil liberties. The examples are legion, but the issue that prompted the legislation before us today is one of the most notorious—his secret program of eavesdropping on Americans without congressional authorization or a judge's approval.

After insisting for a year that the President was not bound by the Foreign Intelligence Surveillance Act's clear prohibition on warrantless surveillance of Americans, the administration subjected its surveillance program to FISA Court review in January of 2007.

Then, last August, citing operational difficulties and heightened threats that required changes to FISA, Congress passed the Protect America Act—over my objection and that of many of my colleagues. I am submitting with this statement the objections I made at that time.

The Protect America Act, which sunset last February, amended FISA to allow warrantless surveillance, even when that surveillance intercepted the communications of innocent American citizens inside the United States.

The administration identified two problems it faces in conducting electronic surveillance under FISA. First, the administration wanted clarification that it did not need to obtain a FISA warrant in order to conduct surveillance of calls between two parties when both of those parties are overseas. Because of the way global communications are now transmitted, many communications between people all of whom are overseas are nonetheless routed through switching stations inside the United States. In other words, when someone in Islamabad, Pakistan calls someone in London, that call is likely to be routed through communications switching stations right here in the United States. Congress did not intend FISA to apply to such calls, and I support a legislative fix to clarify that point.

The second problem the administration identified is more difficult. Even assuming that the Government does not need a FISA warrant to tap into switching stations here in the United States in order to intercept calls between two people who are abroad—between Pakistan and England, for example—if the target in Pakistan calls someone inside the United States, FISA requires the government to get a warrant, even though the government is ''targeting'' the caller in Pakistan.

The administration wants the flexibility to begin electronic surveillance of a ''target'' abroad without having to get a FISA warrant to account for the possibility that the ''foreign target'' might contact someone in the United States. I agree with the administration's assessment of the problem, but this bill would go far beyond what is necessary to meet these new technological challenges.

This bill's approach would significantly expand the scope of surveillance permitted under FISA by exempting entirely from the warrant requirement any calls to or from the United States, as long as the Government is ''targeting'' someone reasonably believed to be located outside the United States.

The Government could acquire these communications regardless of whether either party is suspected of any wrongdoing and regardless of how many calls to innocent American citizens inside the United States were intercepted in the process.

Although the bill gives the FISA Court a greater role than earlier bills did, it still fails to provide for a meaningful judicial check on the President's power. The FISA Court's role would be limited to reviewing the Government's targeting procedures and its minimization procedures—the procedures it uses to limit the retention and dissemination of information it has required. But it would be required to approve them as long as they met the general requirements of the statute, which is written broadly.

In addition, unlike the Judiciary Committee version of the bill I supported earlier this year, this bill neither limits the Government's use of information collected under procedures the FISA Court later deems inadequate, nor does it expressly give the FISA Court authority to enforce compliance with orders it issues.

I am concerned that because of the way this bill is drafted, it could be interpreted to preclude the FISA Court from ordering the Government to destroy all communications of innocent Americans that it incidentally collects during its surveillance. If I were certain that the FISA Court had the power to order the destruction of the communications of innocent Americans, it might tip the balance in favor of my supporting the bill, even though I oppose blanket retroactive immunity.

As for immunity, although I can understand why in the immediate aftermath of the attacks on September 11 the telephone companies would have cooperated with the Government, I believe it is inappropriate for Congress to grant blanket retroactive immunity without knowing what it is granting immunity for.

Furthermore, cases against the carriers are already making their way through the courts and I have every confidence in the court's ability to interpret and apply the law. Retroactive immunity would undermine the judiciary's role as an independent branch of government.

When the Senate passed FISA, after extensive hearings, thirty years ago by a strong bipartisan vote of 95 to 1, I stated that it ''was a reaffirmation of the principle that it is possible to protect national security and at the same time the Bill of Rights.'' I still believe that is possible, but not if we enact this bill.

Mr. President, I am in support of Senator ROCKEFELLER's proposal to address shortcomings in our intelligence collection authorities. I have studied Senator ROCKEFELLER's bill closely and believe that it is an appropriate, temporary fix that adequately protects both our national security and Americans' privacy and civil liberties. It includes important safeguards against executive abuse—safeguards that are essential for an administration that has demonstrated so frequently that it simply cannot be trusted.

The Rockefeller bill is narrowly tailored to address the two problems the administration has said it faces in conducting electronic surveillance under the Foreign Intelligence Surveillance Act, as that law is currently written.

First, the administration wants clarification that it does not need to obtain a FISA warrant in order to conduct surveillance of calls between two parties when both of those parties are overseas. Because of the way global communications are now transmitted, many communications that take place entirely overseas are nonetheless routed through switching stations inside the United States. In other words, when someone in Islamabad, Pakistan, calls someone in London, England, that call may well be routed through communications switching stations right here in the United States. FISA was never intended to apply to such calls, and I support a legislative fix to clarify that point.

The second problem the administration has identified is more difficult. Although neither FISA nor the Constitution requires the President to get a warrant if the target of surveillance is in Pakistan calling London, or anywhere else outside the United States, if the target in Pakistan calls someone in the United States, FISA requires the Government to get a warrant, even though the Government is ''targeting'' the caller in Pakistan.

Senator ROCKEFELLER's bill would give the Government great flexibility to conduct surveillance of targets abroad, with prior approval of the FISA Court, while protecting the privacy of innocent Americans in the United States.

Under this bill, the FISA Court would be required to issue a warrant upon a minimal showing that the targets of surveillance are overseas and not in the United States. The bill provides protection for innocent Americans in the United States—if the foreign target's communications began to involve a significant number of calls

into the United States, the Government would be required to end surveillance pending receipt of a new FISA Court order that the target overseas was a suspected terrorist.

Senator ROCKEFELLER's approach also ensures robust oversight. Congress would get the actual FISA Court orders, and, every 60 days, Congress would receive the list of targets who turned out to be in the United States and the number of persons inside the United States whose communications were intercepted. This is more information than Congress receives today, and it would enable us to verify the administration's claim that they are targeting suspected terrorists without unnecessarily violating the privacy of law-abiding Americans.

Senator ROCKEFELLER's bill sunsets in 6 months, at which point Congress can, if necessary, craft a permanent, sensible, and Constitutional fix to FISA that ensures the American people are protected from terrorism and from encroachments on their civil liberties and individual freedoms. The President has asked that we go further, that we give him more unchecked power and discretion to eavesdrop on Americans' conversations without a warrant and without congressional oversight. His request raises many concerns, and Congress should deny it.

The President's proposal would significantly expand the scope of surveillance permitted under FISA by exempting entirely any calls to or from the United States, as long as the Government is directing its surveillance at someone reasonably believed to be located abroad. The Attorney General and the Director of National Intelligence would make this determination on their own, and they would merely certify, after-the-fact, to the FISA Court that they had reason to believe the target is outside the United States, regardless of how many calls to innocent American citizens inside the United States were intercepted in the process. This would be a breathtaking and unconstitutional expansion of the President's powers and it is wholly unnecessary to address the problems the administration has identified.

Furthermore, the administration would not even limit this unchecked surveillance to persons suspected of involvement in international terrorism—it would cover the collection of any foreign intelligence information, which can include the collection of trade secrets and other information unrelated to the threat posed by al-Qaida.

I have said before that one of the defining challenges of our age is to effectively combat international terrorism while maintaining our national values and our commitment to the rule of law, individual rights, and civil liberties. Unfortunately, the President has attempted to protect America by unnecessarily betraying our fundamental notions of constitutional governance and individual rights and liberties.

I will support giving the administration the tools it needs to track down terrorists, but I will not give the President unchecked authority to eavesdrop on whomever he wants in exchange for the vague and hollow assurance that he will protect the civil liberties of the American people. This administration has squandered the trust of Congress and the American people.

The administration's approach is constitutionally infirm and it is unnecessary to address the specific problems it has identified. The Rockefeller bill is a carefully calibrated approach that protects the American people from both terrorism and violations of their civil liberties.

I urge my colleagues to join me in supporting it.

Mr. BYRD. Mr. President, in 1771, Samuel Adams observed:

> The liberties of our country, the freedom of our civil Constitution, are worth defending at all hazards; and it is our duty to defend them against all attacks. We have received them as a fair inheritance from our worthy ancestors; they purchased them for us with toil and danger and expense of treasure and blood, and transmitted them to us with care and diligence. It will bring an everlasting mark of infamy on the present generation, enlightened as it is, if we should suffer them to be wrested from us by violence without a struggle, or to be cheated out of them by the artifices of false and designing men.

Under the artifice of defending our nation from terrorists, President Bush would have Congress surrender our liberties and the freedom of our civil Constitution. This bill, the Foreign Intelligence Surveillance, FISA, Amendments Act of 2008, is supposed to correct unconstitutional authorities contained in last year's ''Protect America Act'' that permitted widescale warrantless Government surveillance of innocent Americans' private international communications, much of it facilitated by telecommunications companies in a manner that is under court review. However, this bill undercuts that judicial review and, in effect, grants complete retroactive immunity to those companies for anything illegal they might have done for the last 6 years. That provision undermines the Constitution's fourth amendment protections.

This bill continues Government surveillance of communications coming into and out of the United States without full fourth amendment protections. Remember the fourth amendment? It reads:

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

The President would have you believe that this bill would provide additional powers to prevent another 9/11. But 9/11 did not happen for want of these powers. It was not a failure of Government to monitor private communications. Rather, it was a failure of the Government to monitor the reports of the FBI and of the intelligence community. It happened because the administration did not take seriously reports suggesting that what actually happened was being planned by al-Qaida. Just as he exploited 9/11 to lead us to war in Iraq, President Bush now wants to exploit his failures to attack our fundamental freedoms—freedoms that formed the foundations of this Nation.

There is no doubt that certain accommodations need to be made to address advances in technology. However, this bill goes too far. If the Government can collect all communications coming into or out of the United States, using powerful computers to shop among them without probable cause that the person making or receiving the communication is involved in anything illegal, and without any court providing a check upon the abuse of that power, that does not meet my ''reasonable man's'' definition of fourth amendment compliance. And that is not the ''fair inheritance'' won for us by our Founders at such a great price.

Mrs. CLINTON. Mr. President, one of the great challenges before us as a nation is remaining steadfast in our fight against terrorism while preserving our commitment to the rule of law and individual liberty. As a Senator from New York on September 11, I understand the importance of taking any and all necessary steps to protect our Nation from those who would do us harm. I believe strongly that we must modernize our surveillance laws in order to provide intelligence professionals the tools needed to fight terrorism and make our country more secure. However, any surveillance program must contain safeguards to protect the rights of Americans against abuse, and to preserve clear lines of oversight and accountability over this administration. I applaud the efforts of my colleagues who negotiated this legislation, and I respect my colleagues who reached a different conclusion on today's vote. I do so because this is a difficult issue. Nonetheless, I could not vote for the legislation in its current form.

The legislation would overhaul the law that governs the administration's surveillance activities. Some of the legislation's provisions place guidelines and restrictions on the operational details of the surveillance activities, others increase judicial and legislative oversight of those activities, and still others relate to immunity for telecommunications companies that participated in the administration's surveillance activities.

While this legislation does strengthen oversight of the administration's surveillance activities over previous drafts, in many respects, the oversight in the bill continues to come up short. For instance, while the bill nominally calls for increased oversight by the FISA Court, its ability to serve as a meaningful check on the President's power is debatable. The clearest example of this is the limited power given to

the FISA Court to review the government's targeting and minimization procedures.

But the legislation has other significant shortcomings. The legislation makes no meaningful change to the immunity provisions. There is little disagreement that the legislation effectively grants retroactive immunity to the telecommunications companies. In my judgment, immunity under these circumstances has the practical effect of shutting down a critical avenue for holding the administration accountable for its conduct. It is precisely why I have supported efforts in the Senate to strip the bill of these provisions, both today and during previous debates on this subject. Unfortunately, these efforts have been unsuccessful.

What is more, even as we considered this legislation, the administration refused to allow the overwhelming majority of Senators to examine the warrantless wiretapping program. This made it exceedingly difficult for those Senators who are not on the Intelligence and Judiciary Committees to assess the need for the operational details of the legislation, and whether greater protections are necessary. The same can be said for an assessment of the telecom immunity provisions. On an issue of such tremendous importance to our citizens—and in particular to New Yorkers—all Senators should have been entitled to receive briefings that would have enabled them to make an informed decision about the merits of this legislation. I cannot support this legislation when we know neither the nature of the surveillance activities authorized nor the role played by telecommunications companies granted immunity.

Congress must vigorously check and balance the president even in the face of dangerous enemies and at a time of war. That is what sets us apart. And that is what is vital to ensuring that any tool designed to protect us is used—and used within the law—for that purpose and that purpose alone. I believe my responsibility requires that I vote against this compromise, and I will continue to pursue reforms that will improve our ability to collect intelligence in our efforts to combat terror and to oversee that authority in Congress.

Mr. REED. Mr. President, I wish to spend a few minutes discussing why I vote against final passage of H.R. 6304, the House companion to S. 2248, the FISA Amendments Act of 2008. I would like to begin by commending Senators ROCKEFELLER and BOND who have negotiated this bill, literally for months, in order to reach the compromise that we voted on today.

I believe that many aspects of this bill are an improvement, not only to the Protect America Act which passed last August, but also to S. 2248, the bill we voted on in February. I opposed both of those bills. This compromise bill specifies that FISA and certain other statutes are the exclusive means for conducting surveillance on Americans for foreign intelligence purposes. It requires the inspectors general of the Department of Justice, the Department of Defense, the National Security Agency, and the Director of National Intelligence to conduct a comprehensive review and issue a report on the President's surveillance program. It requires the intelligence community to create reverse targeting guidelines so that the National Security Agency cannot conduct surveillance of a U.S. citizen without a warrant by targeting a foreigner. Finally, it sunsets this legislation in 4½ half years rather than the 6 years called for in the original bill. All of these measures increase oversight and help protect civil liberties and are helpful changes.

However, title II of this bill still grants retroactive immunity to telecommunications companies for actions they may or may not have taken in response to administration requests that may or may not have been legal. As I have stated before, the administration has had years to provide the written legal justification that they gave the telecommunications companies when they requested their cooperation in the aftermath of September 11. A few of my colleagues on the Judiciary Committee and Intelligence Committee were allowed to read certain documents related to this matter after extensive negotiations with the administration. However, I, and the rest of my Senate colleagues who are not on those committees, were denied access to those documents. In addition, the telecommunications companies who have been named in several lawsuits have been prohibited by the administration from providing any information regarding this issue to the courts, to the plaintiffs, to Members of Congress, or to the public. In good conscience, I could not simply trust with blind faith that the administration and telecommunications companies took proper, lawful actions.

I therefore supported three attempts to strip or limit this immunity during today's debate. First, Senator DODD offered an amendment to strike title II. When that failed, Senator SPECTER offered an amendment to require a Federal district court to assess the constitutionality of the terrorist surveillance program before granting retroactive immunity to the companies alleged to have assisted the program. This amendment also failed. As a final effort, Senator BINGAMAN offered an amendment which would have stayed all pending cases against the telecommunication companies related to the Government's warrantless surveillance program and delayed the effective date of the immunity provisions until 90 days after Congress receives the required comprehensive report of the inspectors general regarding the program. If Congress took no action in that time, the telecommunications companies would receive immunity. Unfortunately, that amendment also failed.

The Senate had three opportunities to implement sensible measures to ensure that the grant of immunity to the telecommunication companies was appropriate. But these amendments were voted down. I believe the result sets a dangerous precedent. We must take the steps necessary to thwart terrorist attacks against our country, but these steps must also ensure that the civil liberties and privacy rights that are core to our democracy are protected. This bill fails to meet this threshold. For these reasons, I oppose the passage of this bill.

The ACTING PRESIDENT pro tempore. There is now 2 minutes of debate equally divided.

Who yields time?

Mr. ROCKEFELLER. Mr. President, we have been on this bill now for in effect a year.

The ACTING PRESIDENT pro tempore. The Senator will suspend. Will Senators please take their seats.

Mr. ROCKEFELLER. And we have improved enormously the Senate bill that we voted out last year with a veto-proof majority. The House had not reacted to this bill well, particularly the immunity part, as well as the title I part. We went at them aggressively, Vice Chairman BOND and myself, to try to get the Senate to move toward the House position. We were successful in that.

As I have said, Speaker PELOSI, who didn't want anything to do with the bill at the beginning, actually went to the floor of the House before they voted on it to pass it out and said: This may not be a perfect bill, but it is a bill that I certainly am going to vote for, and that is why I am here asking you to join me in so doing.

I, in my lesser role, am doing the same thing.

This is a historic bill. It has the particular virtue that over the course of the next 4 years, the next President of the United States will have a chance to review the bill and see if any changes need to be made.

I strongly hope, on what I consider to be a very major piece of national security and civil liberties legislation, that my colleagues will vote to support the bill.

The ACTING PRESIDENT pro tempore. Does anyone seek time in opposition?

Mr. BOND. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Alabama (Mr. SESSIONS).

Further, if present and voting, the Senator from Alabama (Mr. SESSIONS) would have voted ''yea.''

The PRESIDING OFFICER (Mrs. MCCASKILL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 69, nays 28, as follows:

[Rollcall Vote No. 168 Leg.]

YEAS—69

Alexander	Dole	McConnell
Allard	Domenici	Mikulski
Barrasso	Ensign	Murkowski
Baucus	Enzi	Nelson (FL)
Bayh	Feinstein	Nelson (NE)
Bennett	Graham	Obama
Bond	Grassley	Pryor
Brownback	Gregg	Roberts
Bunning	Hagel	Rockefeller
Burr	Hatch	Salazar
Carper	Hutchison	Shelby
Casey	Inhofe	Smith
Chambliss	Inouye	Snowe
Coburn	Isakson	Specter
Cochran	Johnson	Stevens
Coleman	Kohl	Sununu
Collins	Kyl	Thune
Conrad	Landrieu	Vitter
Corker	Lieberman	Voinovich
Cornyn	Lincoln	Warner
Craig	Lugar	Webb
Crapo	Martinez	Whitehouse
DeMint	McCaskill	Wicker

NAYS—28

Akaka	Dorgan	Murray
Biden	Durbin	Reed
Bingaman	Feingold	Reid
Boxer	Harkin	Sanders
Brown	Kerry	Schumer
Byrd	Klobuchar	Stabenow
Cantwell	Lautenberg	Tester
Cardin	Leahy	Wyden
Clinton	Levin	
Dodd	Menendez	

NOT VOTING—3

Kennedy	McCain	Sessions

The bill (H.R. 6304) was passed.

Mr. REID. Madam President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

MEDICARE IMPROVEMENTS FOR PATIENTS AND PROVIDERS ACT—MOTION TO PROCEED

Mr. REID. What is the matter now before the Senate?

The PRESIDING OFFICER. Under the previous order, the motion to proceed to the motion previously entered to reconsider the vote whereby cloture on the motion to proceed to H.R. 6331 was not agreed to, is agreed to and the time until 4 p.m. will be evenly divided before the cloture vote.

Mr. REID. I ask unanimous consent that there be 1 hour prior to the vote, which is now set for 4 o'clock, that the time be divided, with the last 20 minutes for Senator MCCONNELL and Senator REID of Nevada; that I have the last 10 minutes; that the other 40 minutes be equally divided and controlled between the chairman of the Finance Committee, Senator BAUCUS, and the ranking member of the committee, Senator GRASSLEY.

That means there will be 20 minutes for Senator MCCONNELL and me, and there will be 40 minutes remaining, equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. BAUCUS. Madam President, may I inquire, what is the pending business before the Senate?

The PRESIDING OFFICER. On reconsideration of cloture on the motion to proceed to H.R. 6331.

Mr. BAUCUS. Madam President, the Prophet Isaiah urged:

Cease to do evil,
learn to do good;
seek justice,
correct oppression;
defend the fatherless,
plead for the widow.

Since 1965, Medicare has been about defending the disabled. Medicare has been about providing for the elderly. From its beginning, Medicare has been about doing good. Before Medicare, old age was very much about widows.

In 1960, a man could expect to live a little more than 66 years, whereas a woman could expect to live past 73. Now, with the help of Medicare providing health care for the elderly, men can expect to live beyond 75 and women can expect to live beyond 80.

Before Medicare, in 1959, more than 35 percent of the elderly lived in poverty. When President Johnson signed the Medicare Act into law, he said of the elderly:

> Most of them have low incomes. Most of them are threatened by illness and medical expenses that they cannot afford.

Thus, before Medicare, the elderly received poorer health care. They endured more pain. They met early death. But then, 43 years later, in July 1965, with my fellow Montanan Mike Mansfield looking on, President Johnson signed the Medicare Program into law. This chart to my left shows the picture of that day.

That day President Johnson said:

> No longer will older Americans be denied the healing miracle of modern medicine. No longer will illness crush and destroy the savings they have so carefully put away over a lifetime so they might enjoy dignity in their later years. No longer will young families see their own hopes eaten away simply because they are carrying out their deep moral obligations to their parents.

Further quoting President Johnson:

> And no longer will this Nation refuse the hand of justice to those who have given a lifetime of service and wisdom and labor to the progress of this country.

Thus, from its beginning, Medicare has been a moral issue. Medicare has been about doing good, about doing what is right. I come to the floor today to speak in defense of Medicare. I come to plead for the widow. I come to fight for the disabled.

Today Medicare is threatened. Health care costs have been growing rapidly. Federal Reserve Chairman Bernanke told the Finance Committee's health care summit:

> Health care has long been and continues to be one of the fastest growing sectors in the economy. Over the past 4 decades, this sector has grown, on average, at a rate of about 2.5 percentage points faster than the gross domestic product.

But the fruits of the 1997 law threaten to cut—yes, cut—payments to doctors who treat Medicare beneficiaries unless we act. If we do not act, the law will force cuts in payments to doctors by 10.6 percent. We have to stop that cut.

That cut threatens access to care for America's seniors. Already some providers are declining Medicare patients. My colleagues hear that constantly. Fewer and fewer doctors are taking Medicare; more and more are dropping. Why? Because reimbursement rates are already too low, and unless we act today, those reimbursement rates will be much lower.

Doctors know about these cuts. My colleagues in their home States hear this constantly. I am sure, over the July 4 break, they heard over and over that the doctors are very concerned about Medicare reimbursement. The share of doctors accepting new Medicare patients has been falling. It is falling for those who accept and do not accept Medicare. It is falling for those military personnel in TRICARE who seek services from doctors as well because TRICARE payments are tied to Medicare.

Unless we act, those patients in the TRICARE system, our military service men and women, will also find that their doctors are not treating them either. That trend will accelerate if we do not act. An American Medical Association survey found if the scheduled cuts stay in effect, 60 percent of doctors will have to limit the number of new Medicare patients whom they treat; 60 percent would have to limit, unless we restore these cuts.

These cuts also threaten access to health care for our military men and woman. As I mentioned, TRICARE uses the Medicare formula to pay their doctors. Those cuts could endanger health care for military retirees and even for those on Active Duty.

I do not think that is well understood, that TRICARE is tied to Medicare. If we cut Medicare, we cut TRICARE. That means about 9 million American service men and women, Active Duty and retirees, the doctors who service them will no longer provide that service; a 60-percent reduction.

The Military Officers Association of America reports that declining participation of providers due to low reimbursements is already one of the most serious health care problems facing military families.

Real and threatened cuts in the level of Medicare reimbursements have caused many providers to stop accepting new TRICARE patients.

Since 1965, there have been those few who did not think that Medicare was good. There have been those who have sought to call it evil. In the 1960s, there were those on the fringe who called it socialized medicine. In 1995, there were those who said it was going to wither on the vine, those who wanted to do away with Medicare. But the truth is, from the start Medicare has had broad,

very broad, bipartisan, very bipartisan, support. The original Medicare Act passed the House of Representatives with a vote of 307 to 16. It passed the Senate by a vote of 70 to 24. That broad support was evident again on June 24 of this year before the break. That day the House of Representatives passed the Medicare Improvements for Patients and Providers Act. That bill would stop those cuts in doctors' payments. The House passed that bill with an overwhelming vote of 355 to 59; 355 House Members voted for it. That is better than a 6-to-1 margin. Even among Republican Members of the House, more than twice as many voted for it than against it.

On June 26, the Senate fell one vote short of invoking cloture on the motion to proceed to that bill. But today the Senate will reconsider that vote, and we should. The Senate should take up and pass this Medicare bill. The Senate should pass this Medicare bill because there is no alternative. If we fail to enact this bill, millions of America's seniors will be worse off. We cannot let that happen. This bill can prevent that. The House-passed bill is very similar to the Baucus-Snowe bill the Senate considered earlier in June, but the House made three noteworthy changes. First the House-passed bill includes legislation to delay the competitive acquisition program for durable medical equipment. Congress needs to ensure that these savings do not harm beneficiary access to care. We need to take a closer look at competitive bidding before it goes forward. Passage of this Medicare bill would allow that. The House-passed bill also does not include cuts in funding for oxygen supplies and equipment, and it does not include cuts in funding for powered wheelchairs. Those who support these reforms make a good case. But ultimately, the cuts could not be included as part of this must-pass legislation.

This bill is a balanced package. It is a compromise. It makes modest changes. When the House passed its children's health bill last year, the House made major changes to the Medicare Advantage Program. Last year's House CHIP bill would have significantly restructured the program. This House Medicare bill, however, would not do that. This bill includes a reduction in the double payment for medical education costs to private plans in Medicare, and this bill would protect seniors from unscrupulous marketing practices by private health plans. This bill would require so-called private fee-for-service plans to form provider networks. It would make sure that there are doctors behind those plans. Currently, those private fee-for-service plans do not have to do that. By fiat, they deem it to be the case. But it is not accurate. This bill would make sure there will be doctors behind those plans.

This bill does not include deep cuts due to the Medicare Advantage Program. Some suggest it does. It does not at all. It does not cut private fee-for-service plan payments at all. I wish to go further on Medicare Advantage. I think we should do more. But this is not the time, and this is not the legislation on which to do so. This, however, is the time to avert the pending cut in payments to doctors. That payment cut would devastate access to care for America's seniors. We cannot let that happen.

For Medicare beneficiaries, this Medicare bill would expand access to services. We all talk about greater access to preventive services. It would eliminate the discriminatory copayment rates for seniors with mental illnesses. We all talk about that. We want mental health parity. We do it in this Medicare legislation. And it will provide additional needed help for low-income seniors. We all talk about that need too.

This Medicare bill would take important steps to shore up our health care system in rural areas. It includes provisions from the Craig Thomas Rural Hospital and Provider Equity Act. Let's do this for Craig Thomas.

This bill also includes important relief for ambulance providers, community health centers, and primary care physicians. Primary care doctors represent the backbone of our health system. We all hear from home that primary care doctors are especially vulnerable and we give additional help to them. This Medicare bill would make important improvements in pharmacy payments. It would make payments under the Part D drug benefit fairer and more timely to those who dispense drugs to our Nation's senior citizens. We have all heard that pharmacists need this help because they are in a disadvantageous position in dispensing Part D drugs.

This bill would save money by providing a single bundled payment for all the services related to treating end-stage renal disease, and that will help reduce costs. For the first time, dialysis facilities would receive a permanent, market-based update to their payments each year, giving them a little bit of predictability. This would ensure that Medicare payments keep up with costs.

The bill would expand emergency health care for veterans in rural areas. It would increase payments for doctors who work in rural areas. It would stop the payment cut to providers. It would give them a decent increase in reimbursement. All of this would help to ensure that seniors and military families would be able to keep seeing the doctors they need to see.

On July 30, 1965, President Truman watched President Johnson sign the Medicare Act. That is what is shown in this photograph to my left. President Truman at that point said:

> Mr. President, I am glad to have lived this long and to witness today the signing of the Medicare bill, which puts this Nation right where it needs to be, to be right.

Yes, from its beginning, Medicare has been a moral issue. Medicare has been about doing good. So let us defend the elderly. Let us defend the disabled. Let us provide for our military families, and let us enact this important Medicare bill.

I know others are waiting to speak on the other side of the aisle. In a moment I will yield the floor, but before doing so, I yield half of the time remaining under my control to Senator SCHUMER and half of the time to Senator DURBIN for their use when they are recognized.

The PRESIDING OFFICER. Duly noted.

Who yields time? The Senator from Utah.

Mr. HATCH. Madam President, I rise to oppose cloture on the motion to proceed to H.R. 6331, the Medicare Improvements for Patients and Providers Act.

I am beginning to feel like the character from the movie ''Groundhog Day'' who wakes up every morning to the same day. Here we are again, having the same debate about the same Medicare bill that will not be signed into law.

I believe that our time would be better spent working on a bill to restore physician payments instead of having a partisan vote just to make some political points. It would be better to work in a bipartisan way. We could do it in 10 minutes, if we just sit down and do it. I know the distinguished chairman and ranking member could do it.

But it is obvious that some in this body would rather have a political battle and put Medicare beneficiaries and their doctors at risk.

In the last month, I stood on the Senate floor, not once, but twice emphasizing that I want to work on a bipartisan Medicare bill that will be signed into law. In fact, we had a bipartisan agreement in the Senate.

Unfortunately, Senate Democrats are still not permitting a vote on a compromise measure or even the Republican alternative.

The bipartisan compromise bill would have passed overwhelmingly, and this issue would be behind us.

And, quite frankly, H.R. 6331, essentially, the Baucus Medicare bill, contains many provisions that both sides strongly support.

It is troubling that only the Democrat Medicare bill is being given a vote on the Senate floor, especially when there is a Republican alternative that restores physician payments as well, especially since I believe Senators BAUCUS and GRASSLEY would have worked it out long before now without all the hoopla and politicization.

In addition, when the Democrat Medicare bill failed to get cloture a few weeks ago, the minority leader asked for unanimous consent to pass a 31 day extension of the December Medicare law. The purpose of this extension was to prevent the Medicare physician cuts from going into effect until we were able to work out our differences.

But Senator REID objected to this unanimous consent request for political reasons and told the Senate that

he wanted the Republicans who voted against cloture to feel the heat when they went home for the Fourth of July recess. I was a little shocked at that.

Fortunately, the Centers for Medicare and Medicaid Services, CMS, is delaying the Medicare reduction for physicians for 10 business days to give us more time. Unfortunately, we do not agree on one key issue—the Medicare Advantage Program. This program was created in the Medicare Modernization Act of 2003. I was on the conference committee and spent months working on Medicare Advantage.

Today, Medicare Advantage provides beneficiaries with many health care choices in addition to traditional Medicare.

Medicare Advantage plans are very similar to private health plans offered to those under 65 years of age. One out of five people in Medicare are on Medicare Advantage, and they love the program.

The Democrat Medicare bill includes reforms to the Medicare Advantage Program that are unacceptable to both the White House and many of us who support the Medicare Advantage Program.

Those of us who support Medicare Advantage feel that the provision in the Democrat Medicare bill will limit plan choices currently offered to beneficiaries.

Beneficiaries participating in the Medicare Advantage Program are happy with their health care coverage.

Every month, I receive hundreds of letters from my constituents telling me how much they like their Medicare Advantage plans.

Medicare Advantage is working across the country.

On the other hand, the Medicare+Choice program, which was the precursor to the Medicare Advantage Program, did not work very well, especially in rural areas.

That was because the Federal Government did not pay plans enough money to operate in rural areas.

The Utah Medicare+Choice plans left our State because plans could not function and they were losing money.

At that point, Utah Medicare beneficiaries only had one choice—traditional Medicare. And once we start disassembling the Medicare Advantage Program, as some in this body want to do, I believe that health care choices for beneficiaries will diminish. Through the Medicare Modernization Act, we finally figured out how to provide choice to Medicare beneficiaries in both rural and urban areas and how to pay plans appropriately.

But my friends on the other side cannot leave a good thing alone and insist on making changes to a program that works well today and that 90 percent of beneficiaries in Medicare Advantage are satisfied with.

The Democrat Medicare bill, if signed into law, will no longer allow private fee-for-service plans to deem.

Deeming allows beneficiaries in private fee-for-service plans to see any Medicare provider.

Deeming has been important to those living in rural areas where it is difficult for network-based plans to persuade providers to contract with them. It is also helpful to employer groups which provide retiree health coverage to those living in rural areas across the country.

The elimination of deeming could take away health care coverage choices for Medicare beneficiaries living in rural States.

In addition, the elimination of deeming could cause some retirees to lose their health benefits because the retirement plan cannot establish networks in all 50 States.

According to America's Health Insurance Plans, known as AHIP, 21,000 Utah beneficiaries may be dropped from their current Medicare Advantage private fee-for-service plans if the provision to eliminate deeming becomes law.

In fact, AHIP believes that 1.7 million seniors across the country could lose their existing health coverage if H.R. 6331 becomes law.

A few weeks ago, I mentioned that one Utah employer has said that the elimination of deeming will force the company to stop offering health care coverage to almost 12,000 retirees, and that is probably the tip of the iceberg.

I fear that the impact of this provision could be devastating, especially to beneficiaries living in rural States.

We truly do not know the full effect of this policy and how it will affect Medicare beneficiaries across the country.

Therefore, I simply cannot support this policy and it is the main reason that I am going to vote against cloture.

Do not be fooled—the bill we are considering today will not be signed into law.

The President has said he will veto the bill and there will not be enough votes to override his veto. I suppose some on the other side think they have a great political advantage if he vetoes the bill and we can't override it. They can use that against Republicans.

This motion must be defeated for the third time. We should not have had to go to three votes.

Hopefully, my colleagues on the other side of the aisle will want to work with us on a bill that can be signed into law because it would be bipartisan.

We must move forward so Medicare beneficiaries will no longer worry about their doctors dropping out of the Medicare Program.

We must move forward so physicians participating in the Medicare Program will not be cut by 10.6 percent. I don't think anybody in this body believes that we will allow that cut to occur; certainly, I will not.

We must move forward because the American people are getting tired of a do-nothing Congress where Members are not able to work out their differences.

Why don't we put all our differences aside? We could solve this in 10 minutes without making it a political fiasco which is what it has become. I think in the end everybody would be better off. Certainly, seniors who are on Medicare Advantage would continue to be better off than they would be if this very partisan bill passes through this body and is vetoed by the President and that veto is sustained.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. How much time remains on the Democratic side?

The PRESIDING OFFICER. There is 7 minutes.

Mr. DURBIN. I yield myself 3½ minutes and reserve 3½ minutes for the Senator from New York, Mr. SCHUMER.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Madam President, this debate is about an important bill for 40 million Americans. It is about Medicare. It is about whether the doctors who provide benefits under Medicare will have a 10.3 percent cut in their reimbursement. Those of us who are for Medicare don't want to see that happen. It means fewer doctors treating senior citizens. It means fewer doctors who will be part of the program. So we are trying to stop this cut from happening. But we are running into resistance from the Republican side of the aisle.

The bill before us is a bipartisan bill that passed the House of Representatives by a margin of 6 to 1. Two-thirds of the Republicans in the House voted for this measure. It is a very bipartisan approach. But unfortunately, on the other side of the aisle, the Republicans are determined to oppose this bill.

Why? Why would they want to see fewer senior citizens with doctors they need under Medicare? Why would they want to see fewer doctors in the program? Because the way we pay for the doctors' compensation is by cutting back on the private health insurance companies currently trying to offer Medicare benefits. Now, why would we do that? Because, unfortunately, they are overcharging the Government—from 12 to 17 percent more than what the Medicare Program is charging for the same services. We believe they can cut back on their profits, they can reduce their costs, and they can still help seniors.

Remember when we started with private health insurance companies? The Republicans said: We want them to be able to play in Medicare. They can do a much better job than the Government. They will cut the costs dramatically. They will bring it down to 95 percent of what the Government charges. Exactly the opposite has occurred. The private health insurance companies have increased their costs over the years, and the Republicans who oppose this bill want to protect those companies. They do not want to see those private health insurance companies take

a hit, get a reduction in the amount of money paid by the Government. So they continue to refuse to vote for this measure to help Medicare physicians.

The last time we had this vote, we had 59 Senators who voted for it. What do we need today at 4:05 to strengthen Medicare? We need one more Republican vote, one more Republican Senator. Madam President, 9 of the 49 voted with us last time. With 10, we have the 60 votes, and Medicare will have a bright future.

For those who argue, well, President Bush just might not like the bill, I am sorry, but this bipartisan bill which passed overwhelmingly in the House should pass overwhelmingly in the Senate, and we should say to President Bush: It is much more important for us to protect 40 million seniors under Medicare and, incidentally, about 9 million military families under TRICARE from these kinds of cuts in physician reimbursement.

I have listened to the debate on the other side of the aisle, and it really comes down to a difference of philosophy. When Medicare was created, the Republicans, by and large, opposed it: Oh, it is a big Government program. It is socialized medicine. What did Medicare do for America? It gave peace of mind to seniors that the next illness would not wipe out all their savings. It gave them access to the best doctors and the best hospitals.

Do you know what? Seniors are living longer today than when they signed that Medicare bill into law in 1965. That is the proof of its success. But many on the Republican side of the aisle have never accepted it. They always want to go to the private health insurance companies, even when it costs too much for the seniors and for our Government.

This is our chance. One more Republican vote means the Medicare Program will be strong for years to come.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, how much time remains on this side?

The PRESIDING OFFICER. There is 12 minutes 20 seconds.

Mr. CORNYN. Madam President, will you tell me when 5 minutes is consumed?

The PRESIDING OFFICER. I would be happy to.

Mr. CORNYN. Madam President, Congress should be embarrassed to have doctors and seniors come hat in hand every 6 months, every 12 months, every 18 months, and say: Please don't cut reimbursement rates for physicians. It is just a terrible way to do business. It puts people in fear that Congress will not act. It also provides opportunities for political gamesmanship that we have seen in an abundance on this particular temporary patch.

The fact is, Congress has only on one previous occasion allowed these cuts to go into effect, in 2002. Every year since it has acted. The fact is, we will. But what we need is a permanent solution, not a temporary patch. This is a terrible way to do business. The fact is, Medicare is a deeply troubled program. In fact, it will go bankrupt—parts of it—by the year 2019. But Congress is just whistling past the graveyard—whistling past the graveyard.

We need a permanent solution to this broken Medicare system. The fact is, many Medicare beneficiaries, many seniors cannot even find a doctor who will accept new Medicare patients because reimbursement rates are below market in many parts of the country. The fact is, the majority leader, by objecting to a 30-day extension of current law to allow a bipartisan compromise between the chairman and ranking member of the Finance Committee, is doing nothing but playing partisan politics with something that should be above partisan politics. We need a permanent solution.

UNANIMOUS CONSENT REQUEST—S. 2729

That is why, Madam President, I ask unanimous consent that the Committee on Finance be discharged from further consideration of S. 2729, the Ensuring the Future Physician Workforce Act, and that the Senate proceed to its immediate consideration; that the bill be read a third time and passed, the motion to reconsider be laid on the table, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Madam President, reserving the right to object, I have looked at the Senator's bill, and I must say that any objective observer would know that this is not a serious effort. It is a big warm kiss on doctors to show to them that they love doctors when, in fact, this is going nowhere. It is a $380 billion bill unpaid for. It is not a serious effort whatsoever. I regret the Senator from Texas has the audacity to bring this up.

I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CORNYN. Madam President, I take exception to the chairman of the Finance Committee's insulting remarks. I would say to him that on this bill I have worked in consultation with the Texas Medical Association, which has endorsed it heartily, and what people should be insulted by are these temporary patches every 6 months that do nothing to solve the problem, that provide a political football for the majority party to play to try to take advantage in the next election, to put seniors in doubt as to our seriousness at keeping our commitment for Medicare.

I think it is the chairman of the Finance Committee and the majority leader who should be embarrassed by their objection to sensible and good-faith efforts to try to fix on a permanent basis this broken system. I regret Congress, once again—no wonder the U.S. Congress has a single-digit approval rating, with only 9 percent of the country believing it is doing a good or excellent job.

It is no secret that people are absolutely disgusted with the partisan politics that do not permit real solutions to serious problems, such as fixing Medicare once and for all, and particularly this part that is broken, the payment reimbursement system.

So I take very grave exception to the remarks of the chairman of the Finance Committee. It is he who is not serious about solving the problem. It is he who insists on partisan gamesmanship rather than real solutions. And I think it is a very sad day for the Senate.

Mr. DODD. Madam President, I rise in support of this legislation and want to thank the senior Senator from Montana for his leadership and commitment to ensuring a strong Medicare Program.

Medicare is one of the twin pillars of the retirement security compact we have with our seniors. It says that after a lifetime of hard work and paying taxes, seniors deserve the dignity of a secure retirement. That includes quality, accessible health care. At a time of skyrocketing health care and prescription drug costs, this bill strengthens our commitment to our seniors by eliminating the scheduled 10.6 percent fee cut for Medicare physicians while providing a 1.1-percent update in payments. Why is that so important, Mr. President? Because it directly impacts how we care for seniors. Because doctors are already facing this payment cut because we were prevented from acting on this legislation before recess. Because my State of Connecticut could be looking at a loss of $190 million over the next 18 months—funds that would otherwise help pay for the care of elderly and disabled patients. Nearly a half million seniors in my State alone would be affected. And because military families will also benefit from this bill because they rely on TRICARE which ties its payments to Medicare. Indeed, absent this action, we could be putting at risk health care for not only military retirees but even for those on Active Duty. For all they have given to this country, we absolutely cannot let that happen. More than 50,000 TRICARE patients in Connecticut alone are depending on us.

There are other components of this bill I strongly support as well. Included among the $4 billion in improvements for Medicare beneficiaries is assistance for low-income seniors, who need this assistance the most. This legislation also protects access to therapy services, reduces out-of-pocket costs for beneficiaries who seek mental health care, and provides important improvements for our Nation's pharmacies and rural providers.

Ultimately, this legislation sends a message to our seniors and those who serve our country—it says that a promise made will be a promise kept. With this bill, we are keeping our word to

these men and women that there is no higher priority than ensuring our seniors and military families receive the quality health care they deserve.

Lastly, it is particularly appropriate that we move to deepen our commitment to Medicare on the day one of its biggest champions returns to the Senate. Throughout our history, there has been no greater advocate for our seniors and for health care than Senator KENNEDY. He is a friend to me, but more importantly he is a friend to every American who struggles to receive the affordable, quality health care they deserve, and we are thrilled to welcome him back.

Again, I want to thank Chairman BAUCUS as well as the majority leader for their leadership and dedication.

Mr. LEVIN. Madam President, the Medicare Improvements for Patients and Providers Act, H.R. 6331, makes a number of needed changes related to Medicare reimbursement, including reimbursement for physicians' services. Due to the unwise filibuster by the minority, we missed our chance to pass this legislation before July 1, when reimbursement cuts were scheduled to take place. We now have another opportunity to do the right thing. I strongly urge the Senate to pass this legislation promptly.

Medicare physician fee schedule payments are updated each year according to a complex formula based on a Sustainable Growth Rate—SGR. Unfortunately, because of the way the formula is calculated, even if Congress prevents the cuts in a given year, scheduled reimbursements cuts are likely to increase in subsequent years unless Congress takes additional action, such as developing a permanent alternative to the SGR formula.

I support efforts to ensure that physicians receive adequate reimbursement for their services. If they do not, some physicians will not continue to provide services to Medicare beneficiaries. As a result, allowing reimbursement cuts to go into effect could pose significant access problems for many Medicare beneficiaries.

While I believe past measures to alleviate this burden on physicians have been helpful, I know from my discussions with health care providers throughout Michigan that Congress must find an alternative to the SGR. The SGR is linked not to the cost of providing health services, but to the performance of the overall economy. The cost of health care has been rising much faster than inflation. Our nation should address the rising costs of health care as part of a larger discussion on health care reform. Until and unless we discover a way to contain health care costs to inflation, we should decouple Medicare reimbursement for physicians' services from the performance of the overall economy. Reimbursement should more accurately represent the cost of providing services.

In the meantime, we need to pass this legislation, which includes, among other important provisions, an 18 month delay on Medicare reimbursement cuts for physicians' services and replaces the cut with a 1.1 percent increase in 2009. I am hopeful that the minority will end their filibuster, that the Senate will pass this legislation, and that the President will heed the will of Congress and the American people and sign this bill into law before the cuts are implemented and cause many Medicare beneficiaries to lose access to health care providers.

Mr. SPECTER. Madam President, this Medicare legislation is very important. I believe that it is vital for the Senate to take up this important measure to have open debate to give Senators an opportunity to offer amendments and to have the Senate work its will on these important questions.

As noted in previous floor statements, I have been concerned about Majority Leader REID's practice of employing a procedure known as filling the tree, which precludes Senators from offering amendments. This undercuts the basic tradition of the Senate to allow Senators to offer amendments. Regrettably, this has been a practice developed in the Senate by majority leaders on both sides of the aisle, so both Republicans and Democrats are to blame.

On June 12, 2008, I voted in favor of cloture on the motion to proceed on S. 3101, legislation similar to H.R. 6331, the Medicare Improvements for Patients and Providers Act, to prevent the reduction in Medicare payments to physicians. At that time, I was assured by Majority Leader REID that he would not make a procedural motion to fill the tree. Following the failure to obtain cloture on the motion to proceed to S. 3101, Finance Chairman BAUCUS and Ranking Member GRASSLEY began to negotiate a bipartisan bill that could be brought before the Senate. I have concerns with some provisions that may have been contained in such an agreement. However, the prospect of the Senate working its will and allowing other Senators and me to offer amendments to such a bill is more favorable than filling the amendment tree.

On June 26, 2008, the majority leader brought up H.R. 6331. The posture of the Senate was such that for the majority leader to complete action on H.R. 6331 and send it to the President before the physician payment reduction was scheduled to go into effect at the end of June, the Senate must pass the same legislation the House of Representatives passed. This is the case because the House of Representatives adjourned for the Independence Day recess prior to the Senate vote on cloture on the motion to proceed to H.R. 6331. Since the House went out of session, there was no possibility for the House to consider a Senate-amended Medicare bill. To guarantee that the same Medicare legislation would be passed by the Senate, no amendments to the legislation were permitted. By bringing this legislation up at the last minute after the House of Representatives adjourned, the majority leader prevented the opportunity to offer amendments and undermined Senate procedure.

If cloture were to have been obtained on the motion to proceed to H.R. 6331 the legislation would have been vetoed by President Bush. That veto would have resulted in a further delay, since the House would not be in session to override the veto and the scheduled physician payment reductions would go into effect at the end of June. There was an expectation that the Senate would extend the current physician payment rate for 30 days and prevent the pending reduction from going into effect. However, when this legislative extension was offered by Senate Republican Leader MCCONNELL it was objected to by Majority Leader REID. The majority leader was aware of this issue for some time and scheduling should have accommodated the amendment process. I voted against cloture because there was no opportunity to amend the legislation that came before the Senate.

On June 28, 2008, I wrote to President Bush requesting that he use his constitutional authority to call the Congress back into session so that the Senate could act on H.R. 6331 with appropriate amendments and send it back to the House for its concurrence. This would have allowed for prompt action on this important matter and prevented the payment reduction from going into effect.

On Monday, Tuesday and Wednesday of this week, I spoke with Majority Leader REID regarding today's vote on cloture on the motion to proceed to H.R. 6331. During those conversations I requested that he allow Senators to offer amendments to the legislation. On those occasions he said he would not allow amendments. During the vote, when more than 60 Senators had voted for cloture, it was not possible to preserve the principle of Senators' rights to offer amendments so I voted for cloture because I agreed with the objectives of this legislation.

I have a strong history of preventing reduced payments to physicians. In April 2003, as Chairman of the Labor, Health and Human Services, and Education Appropriations Subcommittee; I worked to reverse a 4.4 percent cut in physician fees which had gone into effect in January of that year. This $54 billion effort also provided a 1.6 percent increase. In June 2003, I introduced an amendment to the Medicare Modernization Act to provide an increase in physician payments for 2 years. This provision was agreed to and was included in the bill. This prevented decreases in physician payments in 2004 and 2005, and increased payments by 1.5 percent in each of those years. I have consistently voted in favor of increasing Medicare physician payments and will continue to support the policy, but Senators must be allowed to offer amendments and let the Senate work its will.

Mrs. FEINSTEIN. Madam President, I rise to discuss the Medicare Improvements for Patients and Providers Act, H.R. 6331. This bill makes much needed changes to the Medicare program, and will pay doctors at a rate that will allow them to continue to participate in this vital program.

Medicare is a great success story, providing retirees with a health care safety net, but the formula that determines physicians' payment levels is seriously flawed. Unless Congress takes action immediately, doctors will receive a 10.6 percent cut in their reimbursements.

The consequences of such cuts would be dire. According to the California Medical Association, more than 60 percent of California physicians say they would be forced to either stop taking new Medicare patients or leave the Medicare program altogether if these reductions occur.

The same payment rate reductions will apply for health care provided to our servicemembers and their families who receive coverage through the TRICARE program. Over 870,000 Californians and at least 8.9 million Americans depend on TRICARE for their health care. We owe these families, who have sacrificed so much for our country, access to physicians and medical care when they need it.

I voted to consider and pass this bill, because we need to block these cuts and make improvements for beneficiaries.

However, much to my dismay, this bill contains a delay on a program to competitively bid for durable medical equipment. Can you believe it? A block on competitive bidding of commonly available medical goods.

Let me tell you what this means. Medicare began a competitive bidding program for durable medical equipment on July 1 in 10 metropolitan areas across the country—including the Riverside-San Bernardino area in my home State of California.

The program enabled medical supply companies to bid on 10 products, including wheelchairs, diabetic supplies, oxygen concentrators, walkers and hospital beds, in those 10 metropolitan areas. Companies that offered the best prices were awarded contracts to supply Medicare beneficiaries with medical equipment.

As a result, seniors on Medicare in these areas can expect to pay a lot less for some of their medical supplies.

In Riverside, CA, diabetic test strips, once $37 will now be $18, and portable oxygen, which cost Riverside Medicare patients $77 per month, can now be bought for $61.

The bid prices are an average of 26 percent lower than prices set by the Centers for Medicare and Medicaid before the enactment of the competitive bidding program.

Because beneficiaries pay copayments equal to 20 percent of the cost of their healthcare and medical equipment, that savings is also felt by the elderly and disabled Americans who rely on Medicare.

Competitive bidding makes sense, because there is no good reason why Medicare or seniors should pay above-market prices for medical equipment—especially as other health care costs continue to skyrocket.

The Centers for Medicare and Medicaid discovered that it was paying $1,825 for a hospital bed that can be bought for $754 online. On the Internet, you can purchase a power wheelchair for $2,174—far less than the $4,023 Medicare pays out for the same product. z

Competitive bidding forces Medicare suppliers to compete for their customers—much like retailers do. It also helps to control costs while providing the elderly and the disabled with quality healthcare and medical supplies. Participating companies must be accredited, to ensure that Medicare beneficiaries receive high quality equipment and service.

Allowed to continue, the program is expected to save $125 million in its first year. Expanded nationwide, that number would grow to $1 billion in savings for taxpayers and Medicare beneficiaries.

But just as this pilot program gets off the ground—another 70 metropolitan areas are expected to be added in 2009—this bill endangers the program's future.

Losing bidders have complained that the selection process was flawed and have convinced some of my colleagues to support a delay of the program for another 18 months and start the selection process over.

The bill before us today would terminate the existing competitively-bid contracts and delay the program launch for a year and a half.

This should not be permitted to happen. Seniors and taxpayers deserve to pay fair prices for their medical equipment. Medicare beneficiaries in Riverside, in Cleveland, in Dallas, learned about this new program, selected new providers, and are already saving money. Stopping this new effort midstream will only lead to confusion.

We all agree that entitlement programs like Medicare need to be reformed, but if we can't change a small portion of this sprawling entitlement program, how will we ever succeed in making major reforms?

Competitive bidding is a smart way to ensure that Medicare pays reasonable rates for medical equipment at a time when medical costs are soaring. We should not ask taxpayers to fund someone else's cash cow.

While I will vote to consider and pass this bill today, I will continue to work to see that competitive bidding moves forward, and I urge my colleagues do the same. This is a matter of common sense.

Mrs. CLINTON. Madam President, today we are voting on a piece of legislation that has the potential to make a real difference for seniors, Americans with disabilities, physicians, hospitals, and pharmacies. We are voting to ensure that doctors who care for the 44 million people in Medicare and the millions of people who rely on TRICARE, the military health care system, do not see a sudden and dramatic cut in reimbursements. And we are voting to implement a series of reforms to improve our capacity to provide preventive care, to use more health information technology in our medical system, and to measure the quality of care patients receive.

We hear a lot of talk about our broken health care system in this Chamber—and on the campaign trail—by Members on both sides of the aisle. However, all too often, there have been some all too willing to lament the crisis until it comes time to address it. But the fact is, all that matters—to seniors, to people with disabilities, to our men and women in uniform—is whether we deliver on the rhetoric. That is our test in this Chamber. And that is our test with this vote.

The choice is simple. How will we address the crisis in our health care system, as costs skyrocket, coverage declines, and quality suffers? Do we continue in this race to the bottom—or do we choose a new course?

I believe we must take immediate steps to modernize and reform our health care system to control costs, increase coverage, and improve care. The goal—as I have proposed, advocated, and championed my whole adult life—is quality, affordable health care for everyone, no exceptions, no excuses. And we all look forward to the return of our friend, Senator KENNEDY, one of America's great health care champions, to help us reach this goal.

The solution will not be to cut corners while cutting funding that will drive more and more people and providers out of the health care system. The solution has not been and will never be to stick our heads in the sand to avoid the tough work of dragging our system of care into the 21st century.

The solution is tougher—and more complex—but no less real: comprehensive reform to provide coverage for every American that emphasizes prevention, measurable improvements in quality, and a modernized system to dramatically improve efficiency and reduce errors. And we will achieve it by asking everyone to be part of this solution: patients, providers, insurance companies, employers, and, yes, the government.

That is why I hope more of my Republican colleagues will join the growing bipartisan majority in the House and Senate to support this legislation and end this Medicare blockade—an obstruction that survived by a single vote—which stands between patients and their physicians, and between this chamber and demonstrable progress in Medicare.

Here is why this legislation is so critical. First, unless we act, the 10.6 percent cut in payment to physicians will

compromise care for seniors, Americans with disabilities and—though this is largely unknown—men and women who have served in our Nation's military. TRICARE sets its physician reimbursement rates according to Medicare. So a 10.6-percent cut in Medicare is a 10.6-percent cut in TRICARE.

The consequences may be catastrophic. A recent survey by the American Medical Association found that 60 percent of physicians would limit new Medicare patients if this cut is allowed. Almost 9 million people who have served in the military would face the prospect of newly limited access to medical care, including more than 180,000 in New York.

The answer is not haphazard cuts and temporary formula fixes. The answer is a comprehensive, permanent solution which reflects the costs of doing business for providers—as well as the goals we all share for fixing the incentives in the health care system and controlling costs by improving care—not limiting it.

And preventing this cut is only the beginning. I am proud that we have included a number of important reforms I have championed that will help us chart a new course for Medicare and our health care system: We have included a provision to cover new preventive care recommended by the U.S. Preventive Services Task Force, a proposal for which I have advocated and which I believe should be part of our solution to achieve health care for everyone. Coverage for screenings for osteoporosis, breast cancer, or high blood pressure, for example, will help detect illness at the earliest stages, before becoming life-threatening and more costly.

I am proud that we have taken an important step in health information technology, requiring electronic prescribing by 2011. That will reduce errors dramatically. If all hospitals used a computerized order entry system we would reduce adverse drug reactions by an estimated 200,000 each year and save $1 billion annually. Health information technology, which I have proposed and hope to pass through the Senate soon, will allow us to make giant leaps in our health care system to cut errors, improve care, and discover new treatments—while protecting patient privacy and safety and dramatically reducing costs.

The bill also extends the Medicare Physician Quality Reporting Initiative and provides for the endorsement of quality measures, as I have long championed. In fact, the first bipartisan health IT legislation I introduced with Senator Bill Frist in 2005 included this idea and it remains in the legislation that I have cosponsored with Chairman KENNEDY, Senator ENZI, and Senator HATCH. Linking quality with coverage is essential. Today, we don't know what we don't know. With new data we can find new ways to treat illnesses and new ways to improve the care we provide.

We have previously failed by one vote. One vote between improving care or undermining it. One vote that can make the difference between solving problems in our health care system or making matters worse. This is not about politics. This is about the real people whose health and lives will be affected by our votes today. This is about the far reaching consequences of our decision in this Chamber.

I have met people across New York and our country who cannot find the medical care—or afford the health care—they need.

Mothers who whisper to me in tears, terrified that their children will get sick because they lost their insurance. Nurses who feel like each day is a deluge, as patient loads rise. Doctors forced to see more and more patients—with less and less time to do their jobs and more and more paperwork piling up. Seniors with multiple chronic illnesses who have trouble juggling the recommendations and medications from multiple health care providers.

And hospitals like A.O. Fox Memorial Hospital in Oneonta, NY, which stands to lose hundreds of thousands of dollars it cannot afford to lose. Or Bassett Healthcare in Cooperstown, NY, that stands to lose about a million dollars.

These are local hospitals struggling to provide care as that care is assaulted on all sides: rising costs, declining reimbursements, more uninsured patients walking through the emergency room doors. It would be a disgrace if these hospitals looked to us for solutions—and found that with these cuts, we were part of the problem.

These are the stakes and this is our test. I am grateful to my colleagues who have labored on this legislation and I urge my Republican colleagues to join us. And I will continue to do all I can to be champion for the people across New York and the country who feel like they do not have a voice, who look to us, who are counting on us, who depend upon us. I will always stand with them—and I urge my colleagues to stand with us.

Mr. AKAKA. Madam President, we must enact the Medicare Improvements for Patients and Providers Act of 2008. This legislation is vital to ensuring that Medicare and TRICARE beneficiaries have continued access to health care. The bill will also enhance Medicare benefits. In addition, the legislation will provide additional support for Hawaii hospitals that care for the uninsured and Medicaid beneficiaries.

I hope that my colleagues who previously opposed this legislation had an opportunity to meet with their physicians, beneficiaries, and military families during the recess. If so, I hope my colleagues now understand how tremendously important it is to seniors, individuals with disabilities, and members of our armed services and their families that this legislation be enacted to protect their access to health care.

The act will maintain Medicare physician payment rates for 2008 and provide a slight increase in 2009. If this legislation again fails to pass, doctors will be subject to a 10.6 percent cut in Medicare reimbursements for the rest of the year. This dramatic cut could severely limit access to health care for our troops and their families because TRICARE reimbursement rates are linked to Medicare reimbursement rates. Rising costs and difficulty in recruiting and retaining qualified health professionals make it essential that we improve reimbursements to ensure that Medicare and TRICARE beneficiaries have access to health care services.

The act will enhance Medicare benefits. It increases coverage for preventive health care services and makes mental health care more affordable. In addition, the act provides additional help for low-income seniors to obtain the health care services that they need.

Finally, the legislation will provide much needed relief for Hawaii hospitals. The legislation will extend Medicaid Disproportionate Share, DSH, allotments for Hawaii until December 31, 2009.

Hawaii hospitals are struggling to meet the increasing demands placed on them by a growing number of uninsured patients and rising costs. Hawaii and Tennessee are the only two States that do not have permanent DSH allotments. The Balanced Budget Act of 1997 created specific DSH allotments for each State based on their actual DSH expenditures for FY 1995. In 1994, Hawaii implemented the QUEST demonstration program that was designed to reduce the number of uninsured and improve access to health care. The prior Medicaid DSH program was incorporated into QUEST. As a result of the demonstration program, Hawaii did not have DSH expenditures in 1995 and was not provided a DSH allotment.

The Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 made further changes to the DSH program, which included the establishment of a floor for DSH allotments. States without allotments were again left out.

The Medicare Prescription Drug, Improvement, and Modernization Act of 2003 made additional changes to the DSH program. This included an increase in DSH allotments for low DSH States. Again, States lacking allotments were left out.

In the Tax Relief and Health Care Act of 2006, DSH allotments were finally provided for Hawaii and Tennessee for 2007. The act included a $10 million Medicaid DSH allotment for Hawaii for 2007. The Medicare, Medicaid, and SCHIP Extension Act of 2007 extended the DSH allotments for Hawaii and Tennessee until June 30, 2008. This provided an additional $7.5 million for a Hawaii DSH allotment.

This additional extension in the Medicare Improvements for Patients and Providers Act of 2008 authorizes

the submission by the State of Hawaii of a State plan amendment covering a DSH payment methodology to hospitals which is consistent with the requirements of existing law relating to DSH payments. The purpose of providing a DSH allotment for Hawaii is to provide additional funding to the State of Hawaii to permit a greater contribution toward the uncompensated costs of hospitals that are providing indigent care. It is not meant to alter existing arrangements between the State of Hawaii and the Centers for Medicare and Medicaid Services, CMS, or to reduce in any way the level of Federal funding for Hawaii's QUEST program. This act will provide $15 million for Hawaii DSH allotments through December 31, 2009.

These DSH resources will strengthen the ability of our providers to meet the increasing health care needs of our communities. All States need to benefit from the DSH program. This legislation will make sure that Hawaii and Tennessee continue to have Medicaid DSH assistance.

I will continue to work with Chairman BAUCUS, Ranking Member GRASSLEY, Senators ALEXANDER, CORKER and INOUYE to permanently restore allotments for Hawaii and Tennessee. However, we need to enact this legislation to continue to help our struggling hospitals.

We must enact this legislation. It will protect access to health care for seniors, individuals with disabilities, and members of our armed services and their families. The bill will improve Medicare benefits and provide much needed financial assistance for hospitals in Hawaii that care for the uninsured and Medicaid beneficiaries.

Mr. CARDIN. Madam President, our vote today on H.R. 6331 carries real and immediate consequences for people who depend on Medicare. Action on this legislation is mandatory now because, 8 days ago, the temporary fix we passed at the end of last year expired. The cuts are in effect.

Next Tuesday, when the Centers for Medicare and Medicaid Services begins paying claims for services rendered after June 30, 2008, payments will be cut unless we pass this measure.

Because I return home every evening to my State, I interact frequently with Maryland providers. They cannot sustain a nearly 11-percent cut in their Medicare payments; they and many of their colleagues will stop accepting new Medicare patients unless we pass this bill.

The pending cuts are the result of a flawed system that pegs provider reimbursement to the growth of the Nation's GDP. It was created by the 1997 Balanced Budget Act as a way to rein in dramatic growth in Medicare spending on physician services. But this system, known as SGR, has not worked as intended. In fact, every year since 2001, Congress has had to act to prevent the cuts from going into effect. We know that the SGR formula must be repealed.

I have introduced legislation in past years to eliminate SGR and replace it with a system that reimburses based on the actual reasonable costs of providing care. The bill that was passed overwhelmingly by the House, H.R. 6331, provides another temporary fix through December 31, 2009. That is sufficient time for the next Congress, working with a new administration and the provider community, to develop a new mechanism.

But although ''doctor fix'' is the shorthand often used, this bill is far more than that, and our failure to pass it has repercussions far beyond physician offices. Another provision that expired on June 30 is the exceptions process for outpatient rehabilitation services. The 1997 Balanced Budget Act imposed dollar limits of $1,500 on Part B therapy services—one cap for physical and speech-language therapy, and another for occupational therapy. They are adjusted annually for inflation and are now at $1,810. I was a member of the Ways and Means Health Subcommittee at the time. Congress held no hearings on this issue to examine how the caps might affect patient care. The authors of the provision had no policy justification for imposing them, and the dollar amount was arbitrary. These caps were imposed for purely budgetary reasons. They were a crude budget-cutting measure designed to deliver savings—$1.7 billion over 5 years.

This misguided policy ignored clinical needs and it restricted care for the most frail patients—such as those who are recovering from stroke or hip fracture, and those with multiple injuries in a given year.

And because the dollar limits are not adjusted for cost variations across the country, seniors in high cost areas reach their caps even sooner.

The University of Maryland's Shock Trauma Center was the first such unit in the Nation. It is a world-renowned leader in caring for critically injured patients. They see patients with extensive fractures, severe burns, spinal cord and brain injuries, and other debilitating conditions. These patients require lengthy therapy sessions to restore basic functioning. They cannot be rehabilitated for $1,810 a year.

The therapy caps actually went into effect once before, on January 1, 1999, and they had serious consequences for beneficiaries. By April, many patients in skilled nursing facilities had exceeded the limits and were unable to receive necessary care. The administration recognized the danger of this provision, stating:

> The limits will reduce the amount of therapy services paid for by Medicare. The patients most affected are likely to be those with diagnoses such as stroke and amputation, where the number of therapy visits needed by a patient may exceed those that can be reimbursed by Medicare under the statutory limits.

That year, I joined the now-junior Senator from Nevada, JOHN ENSIGN, to introduce a bill to repeal the caps. We had significant bipartisan support and at the end of 1999, Congress delayed implementation for 2 years. Since that time, Congress has acted several times to prevent the caps from taking effect.

In 2006, Congress created an exceptions process that would allow beneficiaries needing care above the statutory caps to receive those services. It was the right thing to do. This process has worked well. Medicare is saving money and patients are getting needed care. In February, the Centers for Medicare and Medicaid Services released a study concluding that:

> The exception process that allows beneficiaries who need therapy to get that therapy, even if the cost goes beyond the cap, has worked to control cost growth. This study reveals that from Calendar Year 2004 through 2006, although the total number of therapy users continued to increase by 3.5 percent the overall expenditures actually decreased by 4.7 percent.
>
> This suggests that the exceptions process in CY 2006 may have satisfied to some extent the Congressional intent to assure access to medically necessary services while controlling the growth in expenditures.

The CMS study shows that the exceptions process works to control costs, yet still assures access for the more than 4.4 million beneficiaries who need additional care. The exceptions process allowed them to get the therapy they need to recover, function optimally, and live more productive lives. It allowed them to learn to cook, clean, and care for themselves after a stroke, to walk correctly and strongly after a hip replacement, and to speak and communicate after cancer surgery. But as of Tuesday, July 1, the process has expired. Section 141 of the bill we are voting on today continues the exceptions process through December 31, 2009.

This provision takes up just two lines of the bill. It is a small provision, but it has a major impact on seniors.

The story of Steve Kinsey and his patients illustrates why we must pass this bill without further delay.

Steve operates Hereford Physical Therapy in Baltimore County. He is anxious to know what the Senate will do this afternoon and so are the seniors he cares for. Steve's practice has about 9,500 patient visits each year, and one-fifth of them are covered by Medicare. He told me about two patients who are waiting for the Senate to act.

The first is a 72-year-old gentleman. He is a wheelchair-bound quadriplegic who needs physical therapy to keep up his strength. He qualified through the exceptions process, and so, although he exceeded the $1,810 cap in March, he has been able to receive therapy 2 days every other week to maintain his level of function.

The second patient is an 83-year-old woman who had a total knee replacement earlier this year. She received 20 visits and was under the cap, until a few weeks later when she fell and fractured her hip.

The cost of her care exceeded the cap 6 weeks ago, but after qualifying through the exceptions process, she has been able to continue treatment.

Because of the actions of a few Senators, as of Tuesday, July 1, these two Medicare beneficiaries can no longer receive care.

On July 1, CMS told providers: (1), that the exceptions process expired on June 30, 2008; (2), not to submit any claims with the code for exceptions because they will be automatically rejected; (3), that providers can check a CMS Web site to determine the amount of services their patients have received so far this year; and; (4), that patients who have reached the caps can go to an outpatient hospital department for care or pay out-of-pocket.

Because the exceptions process was in place for the first 6 months of this year, patients who have already gone beyond the cap—the patients most in need of care—must stop therapy or pay for it themselves. The average charge is about $80 for a 45-minute session. This is wrong.

If we do not reinstate the exceptions process as the bill before us would do, these individuals who need more care will be harmed. They received appropriate therapy under appropriate rules, but that does not matter: On July 1, they were effectively cut off from services that 8 days ago they were deemed eligible for. This is unfair and it is harmful.

Let's not forget that therapy services are also paid under the Medicare fee schedule, so the 10.6 percent cut will also apply to these services as well.

Now, as CMS stated, there is a last resort—to go to the outpatient department of a hospital for additional care. But Steve has learned that the two hospitals near his practice—GBMC and St. Joseph's—are turning away new patients because they don't have the capacity to see them.

Because of the shortage of therapists in Maryland and in other States, hospitals are already overloaded. So, Steve has 10 patients who are waiting at home for him to call and say they can come back in for therapy. They have no where else to go for treatment unless they pay out-of-pocket. They can't afford that.

Outpatient therapy services are paid under Medicare Part B. The people waiting for Steve's call are seniors who worked hard to qualify for Part A coverage and who are paying premiums for Part B. Working Americans—taxpayers—who do not yet qualify for Medicare, are paying to subsidize Part B premiums. The American people as a whole, not only providers and beneficiaries, should be outraged that a minority of the Senate is preventing us from moving forward on this legislation.

The 43 million seniors and persons with disabilities who rely on Medicare deserve a program that meets their health care needs. Our goal should be to ensure that Medicare provides comprehensive, affordable, quality care.

The bill also includes important beneficiary improvements. In 1997, I worked in a bipartisan way to add to the Balanced Budget Act the first-ever package of preventive benefits to the traditional Medicare Program. That was 11 years ago. At that time, the members of the Ways and Means Committee recognized what medical professionals had long known—that prevention saves lives and reduces overall health care costs.

Preventive services such as mammograms and colonoscopies are vital tools in the fight against serious disease. The earlier that breast and colon cancer are detected, the greater the odds of survival. For example, when caught in the first stages, the 5-year survival rate for breast cancer is 98 percent. But if the cancer has spread, the survival rate drops to 26 percent. If colon cancer is detected in its first stage, the survival rate is 90 percent, but only 10 percent if found when it is most advanced.

Seniors are at particular risk for cancer. In fact, the single greatest risk factor for colorectal cancer is being over the age of 50—when more than 90 percent of cases are diagnosed.

Sixty percent of all new cancer diagnoses and 70 percent of all cancer-related deaths are in the 65 and older population. Cancer is the leading cause of death among Americans aged 60 to 79 and the second leading cause of death for those over age 80. So preventing cancer is essential to achieving improved health outcomes for seniors. Screenings are crucial in this fight.

In addition to improving survival rates, early detection can reduce Medicare's costs. Under Chairman CONRAD's leadership on the Budget Committee, we have had fruitful debates about the long-term solvency of Medicare. A more aggressive focus on prevention will help produce a healthier Medicare Program.

Medicare will pay on average $300 for a colonoscopy, but if the patient is diagnosed after the colon cancer has metastasized, the costs of I care can exceed $58,000.

There is no question that these vital screenings can produce better and more cost-effective health care.

The 1997 law established place improved coverage for breast cancer screenings, examinations for cervical, prostate, and colorectal cancer, diabetes self-management training services and supplies, and bone mass measurement for osteoporosis. Since then, Congress has added screening for glaucoma, cardiovascular screening blood tests, ultrasound screening for aortic aneurysm, flu shots, and medical nutrition therapy services. In addition, in 2003, a Welcome to Medicare Physical examination was added as a one-time benefit for new Medicare enrollees available during the first 6 months of eligibility.

But we can only save lives and money if seniors actually use these benefits. Unfortunately, the participation rate for the Welcome to Medicare physical and some of the screenings is very low. I have spoken with primary care physicians across my State of Maryland about this. One problem is the requirement to satisfy the annual deductible and co pays for these services.

Most colonoscopies are done in hospital outpatient departments, where their copay is 25 percent or approximately $85. Our seniors have the highest out-of-pocket costs of any age group and they will forgo these services if cost is a barrier.

The other barrier to participation is the limited 6-month eligibility period for the one-time physical examination. By the time most seniors become aware of the benefit, the eligibility period has expired. In many other cases, it can take more than 6 months to schedule an appointment for the physical exam and by that time, the patients are no longer eligible for coverage.

I have introduced legislation to eliminate the copays and deductibles for preventive services and to extend the eligibility for the Welcome to Medicare physical from 6 months to 1 year. My bill would also eliminate the time consuming and inefficient requirement that Congress pass legislation each time a new screening is determined to be effective in detecting and preventing disease in the Medicare population.

It would empower the Secretary of Health and Human Services to add ''additional preventive services'' to the list of covered services. They must meet a three part test: (1) they must be reasonable and necessary for the prevention or early detection of an illness; (2) they must be recommended by the U.S. preventive Services Task Force, and (3) they must be appropriate for the Medicare beneficiary population.

H.R. 6331 incorporates several elements of my bill in the very first section. It will waive the deductible for the physical examination, extend the eligibility period from 6 months to 1 year, and allow the Secretary to expand the list of covered benefits.

This bill will also help low income seniors by raising asset test thresholds in the Medicare savings programs and targeting assistance to the seniors who most need it. It extends and improves assistance programs for seniors with incomes below $14,040 a year, including the QI program, which pays Part B premiums for low-income seniors who don't qualify for Medicaid.

As this Congress continues to make progress toward passing a comprehensive mental health parity bill, this bill provides mental health parity for Medicare beneficiaries, moving their copayments from 50 percent to 20 percent gradually over 6 years. Depression, bipolar disorder, and other mental illnesses are prevalent among seniors, and yet fewer than half receive the treatment they need. This provision will help them get that treatment.

It will also ensure that a category of drugs called ''benzodiazepines'' are covered by Medicare Part D. When Part D took effect on January 1, 2006, millions

of beneficiaries found that the medicines they took were not covered by the new law. A little-known provision in the bill actually excluded from coverage an entire class of drugs called benzodiazepines. These are anti-anxiety medicines used to manage several conditions, including acute anxiety, seizures, and muscle spasms. The category includes Xanax, Valium, and Ativan. Most are available as generics.

The current-law exclusion has led to health complications for beneficiaries, unnecessary complexity for pharmacists, and additional red tape for the States. Beneficiaries who are not eligible for Medicaid have had to shoulder the entire cost of these drugs or substitute other less effective drugs. In 2005, I first introduced legislation that would add benzodiazepines to the categories of prescription drugs covered by Medicare Part D and Medicare Advantage plans.

This provision is essential for our seniors; without it, dual eligibles would have to rely on continued Medicaid coverage for benzodiazepines. Medicare beneficiaries who are not eligible for Medicaid will have to continue to pay out-of-pocket for them. For those who cannot afford the expense, their doctors would have to use alternative medicines that may be less effective, more toxic, and more addictive. This is a significant improvement for our seniors who are enrolled in Part D and for the fiscal health of our States.

This bill will also help our community pharmacies. I have heard from pharmacies throughout Maryland who cannot receive prompt reimbursement from private plans. This bill requires plans to pay them within 14 days of receiving a clean claim. It also requires plans to update their price lists weekly so that pharmacies have accurate data about what they should be reimbursed.

H.R. 6331 is paid for by small reforms to the Medicare Advantage program, in particular to private fee-for-service plans. The nonpartisan Medicare Payment Advisory Commission, MedPAC, has recommended that we equalize payments between Medicare Advantage and traditional Medicare.

As we discuss the solvency of the Medicare Program, we must take note that private health plans are not saving the Federal Government money. In fact, they are costing us money. I was a member of the Ways and Means Committee when health plans approached us with an offer.

If the Federal Government would pay them 95 percent of what we were spending on the traditional Medicare Program, they would create efficiencies through managed care—efficiencies that they said were lacking in traditional Medicare—that would save the Federal Government billions of dollars each year. They promised to provide enhanced coverage, meaning extra benefits as well as all the services covered by traditional Medicare, for 95 percent of the cost of fee for service. Congress gave them a chance to do just that.

Instead, what we saw across the country was cherry-picking of younger, healthier seniors. Each time Congress indicated that it would roll back their overpayments to a more reasonable level, they responded by pulling out of markets. In Maryland, the number of plans declined over a 3-year period from eight to one, abandoning thousands of seniors. Since 2003, when payments were substantially increased, the number of plans has steadily increased as well, but at too high a cost to beneficiaries, taxpayers, and the future of the Medicare Program.

Right now, these plans are paid up to 19 percent more than the amount that we would pay if these seniors were in fee-for-service Medicare. Over 10 years, we are overpaying them by more than $150 billion.

That is enough money to fund significant valuable improvements in the overall Medicare Program, or to permanently repeal the sustainable growth rate formula. It is time, for the health of the Medicare Program, to pay these plans appropriately. This bill would make small adjustments to these overpayments as well as prohibit the abusive marketing practices, such as cold calling, door-to-door sales, and offering incentives such as free meals, which have led to many seniors being enrolled in private plans without their knowledge or consent.

Mr. President, this is a balanced and responsible bill that addresses immediate reimbursement concerns while setting the foundation for a higher quality, more cost-effective Medicare Program.

The time to act is now. With the support of just one more Senator, we can pass an urgently needed bill and restore the promise of improved access, adequate reimbursement, low-income assistance, and additional needed benefits to the seniors who depend on Medicare. I urge my colleagues to support this legislation,

MEDICAL HOME DEMONSTRATION

Mr. BINGAMAN. I rise today in support of legislation that will avert a 10.6 percent reduction in payments to providers who care for our Nation's Medicare beneficiaries. It is critical that we pass this legislation today in order to ensure that seniors, who rely on Medicare, will continue to have access to high quality health care.

I also wanted to take this opportunity to engage briefly in a colloquy with Senators HARKIN, MURKOWSKI, and COLLINS about a provision in this bill relating to an expansion of the medical home demonstration.

This bill contains a provision that gives the Secretary of Health and Human Services discretion to expand the Medicare medical home demonstration initially enacted as part of the Tax Relief and Health Care Act of 2006. I am troubled that the current demonstration does not permit nurse practitioners and other non-physician providers to lead medical home demonstrations. I believe Congress must include these providers in the demonstration.

In my home State of New Mexico, nurse practitioners have been able to practice independently and with full prescriptive authority since 1993. This recognition of their ability to function as independent primary care providers has allowed them to provide care for the most needy of our citizens. New Mexico is a very rural State. In some parts of my State, nurse practitioners are the only primary care providers available. They already serve as medical home providers for many of our citizens and without them many families would have no health care at all.

A June 2008 MedPAC report on primary care includes a discussion of the value of medical home demonstrations, stating ''Medical practices led by physicians, nurse practitioners, and physician assistants are a logical place to turn for these services, particularly practices with strong nursing and other dedicated staff support . . .'' In that report, MedPAC recommended seven requirements for a primary care provider wishing to lead a medical home demonstration. The provider must: furnish primary care, including coordinating appropriate preventive, maintenance, and acute health services; conduct care management; use health information technology for active clinical decision support; have a formal quality improvement program; maintain 24-hour patient communication and rapid access; keep up-to-date records of beneficiaries' advance directives; and maintain a written understanding with each beneficiary designating the provider as a medical home.

I firmly believe that nurse practitioners, or other non-physician providers meeting these standards should be able to lead a medical home demonstration. Furthermore, nurse practitioners epitomize the delivery of high quality, cost-effective primary care that is crucial to the medical homes model.

At a time when primary care providers are so greatly needed, the exclusion of more than 700 nurse practitioners in New Mexico—and more than 137,000 nurse practitioners across this country runs counter to the need for more qualified primary care providers.

Mr. HARKIN. I want to thank my distinguished colleague for raising this issue, which is also a great concern of mine. I am also pleased to support the legislation pending before the Senate today, which will ensure that Iowa's seniors continue to have access to their health care professionals. Iowa, like New Mexico, is a rural State where approximately 1,300 nurse practitioners provide critical access to care in Iowa's underserved areas. As you know, rural America has a higher proportion of elderly Americans than nonrural areas. In addition, Medicare providers face several unique challenges in rural America that make ensuring access to health care even more difficult. As part

of our expansion of the Secretary's authority, I would encourage the Secretary to allow nurse practitioners to fully participate and lead medical home demonstrations.

Approximately 90 percent of nurse practitioners in rural areas do primary care. Approximately one-third of nurse practitioners have practices where more than 50 percent of patients would be classified as ''vulnerable populations''.

This year, Iowa's State legislature passed legislation to use the medical home model to reduce disparities in health care access, delivery and health care outcomes and, ultimately, allow each Iowan to have access to health care. This legislation includes nurse practitioners as medical home leaders who are responsible for providing for appropriate patient care, coordinating specialty care and guaranteeing a quality of care based in evidence, and fully coordinated with patient and family.

Ms. MURKOWSKI. I want to thank my colleagues for engaging in this colloquy and raising this issue, which is also of importance to my home State of Alaska. Like New Mexico and Iowa, Alaska is a rural State where approximately 600 nurse practitioners provide critical access to care in Alaska underserved areas. As a matter of fact some areas of Alaska are so rural and isolated they are primarily served by providers who use airplanes as their mode of transportation. Among these providers are nurse practitioners, who often are the most accessible providers in certain areas in Alaska.

Alaska has one of the highest numbers of nurse practitioners per capita of any other State. Nurse practitioners function as partners in the healthcare of their patients, so that, in addition to clinical services, nurse practitioners focus on health promotion, disease prevention and health education and counseling, guiding patients to make smarter health and lifestyle choices.

NPs provide healthcare to people of all ages, all over the State of Alaska, in diverse healthcare settings such as private offices, community clinics, hospitals, long-term care facilities, schools, and health departments, and about 40 percent of nurse practitioners in Alaska practice in rural settings, outside the major cities in Alaska, and an estimated 25 percent practice in medically underserved areas of Alaska.

For these reasons and to allow Alaskans the easiest access to a provider in the medical home demonstration, I would encourage the Secretary to allow nurse practitioners to fully participate and lead medical home demonstrations.

Ms. COLLINS. Madam President, I rise in strong support of the outstanding work of our Nation's nurse practitioners—most especially the 850 or so nurse practitioners in Maine who have practiced independently since the mid-1990s. Nurse practitioners in Maine are credentialed as participating providers and serve as primary care providers in managed care organizations in my State.

Similar to my colleagues from New Mexico, Iowa and Alaska, a large percentage of Mainers live in rural areas. As such, residents are often a considerable distance from health care facilities and may be hindered from getting care because of transportation and other obstacles. Nurse practitioners fill the void for high quality primary health care in our underserved areas.

We need to encourage medical home demonstrations that allow nurse practitioners to fully participate in these models.

Mr. BINGAMAN. I thank my fellow Senators for joining me to discuss this important issue.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. Madam President, I will yield 3 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 3 minutes.

Mr. COBURN. Madam President, as a practicing physician in the Senate, I remember the last time a Medicare fix came through and we had the problems associated with it. I would make four points about what is going on here.

No. 1, if this bill goes through, 2.3 million senior citizens who are on Medicare Advantage will lose Medicare Advantage. Madam President, 2.3 million will lose. Not only will that happen, but also all Medicare patients will pay $200 million more per year in copays for durable medical equipment. So we have a bill that is supposedly going to do the doctor fix, but under the sleight of hand in the dark of night we are going to raise the fees on Medicare patients by $200 million for durable medical equipment, and we are going to tell 2.3 million Medicare patients who are very pleased with the program they have now that they cannot have that anymore.

We have two choices in health care in this country. We can let the Government run it all—which this is a step toward moving toward that—or we can allow the ingenuity and creativity of this country through a market-based phenomenon—which is what Medicare Advantage is going to—to create an allocation of scarce resources on the basis of quality, great outcome, and patient choice. There is very limited patient choice now because doctors do not want to take Medicare patients because the reimbursements are so low. Well, guess where they will take it. Where the reimbursements are higher because their costs are going like this, and their reimbursements are going down.

So remember this: If, in fact, you vote for this bill, 2.3 million Medicare patients on Medicare Advantage will lose that coverage, and $200 million in additional copays will fall to all Medicare patients across the board in terms of their copay for durable medical equipment.

We can fix this problem. We ought to fix it right. This is not the way to fix it.

I yield back.

The PRESIDING OFFICER. Who yields time?

The Senator from New York.

Mr. SCHUMER. Madam President, are we in a quorum call?

The PRESIDING OFFICER. No, we are not.

Mr. SCHUMER. Madam President, I rise in strong support of this legislation vitally needed from one end of the country to the other. Ask doctors who will face a significant cut, ask pharmacists who are going bankrupt because they are not being paid appropriately, and ask, most of all, our Medicare patients who will not have the ability to visit doctor after doctor after doctor.

This legislation is essential, and it is compromise legislation. The other side says ''compromise''? Sixty percent of the cuts come from medical education—something near and dear to me and my State. Only 40 percent comes from fee for service. Yet they say: Compromise. Do you know what compromise is to the other side, those opposed here? They want it all. All the money should come out of IME, none out of fee for service, or they will not budge.

Who is hurt when they play this political game? Millions of senior citizens. I would prefer to have all the money come out of fee for service. So would Chairman RANGEL. So would many others from States such as mine that have medical education. But we are willing to go part of the way for the seniors.

I say to my colleagues on the other side of the aisle: Substantively and politically, this is among the worst votes that you will take if you oppose this legislation; among the very worst both substantively because it hurts our seniors and cripples Medicare, and politically because people really care about this. I have never seen organizations such as the AMA, the pharmacists, and the AARP in unison.

So I would urge at least one of my colleagues from across the aisle to reconsider for the sake of those who work so hard in the health care field and, most of all, for the sake of our senior citizens.

This bill is essential to keep things going in Medicare. I know there may be some who want to get rid of Medicare, but most of us want to fight to preserve it. If you care about Medicare, if you care about seniors, if you care about fair pay for pharmacists and doctors, the only vote is yes.

I yield the floor.

Mr. McCONNELL. Madam President, how much time remains on this side?

The PRESIDING OFFICER. There is 4½ minutes left of the initial time that was designated for the chair and ranking member of the Finance Committee. Then there is 20 minutes of time divided between the minority leader and

the majority leader following that time.

Mr. MCCONNELL. All right. Madam President, I ask unanimous consent that the Senator from Florida have 4 minutes of my time that is remaining.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida.

Mr. MARTINEZ. Madam President, this is indeed an important debate we are having about a very important issue to many in my State of Florida. There is no doubt that my State has a large population of people who depend on Medicare for their health care. This is an important matter to them.

We also have, of course, the doctors who deliver health care who also have a concern, a great concern, about a potential cut at a time when everything else in their lives is rising—an unfair cut. The fact is, we know doctors are tremendously stressed today because of many issues in their practice. The fact is that hard-working doctors do not deserve a pay cut. I know whoever created this condition years ago was well-intentioned, but it has not worked and it does not work. Doctors should not be expected to come before the Congress hat in hand each and every year or 18 months to ask for yet another extension or a deferral of a pay cut. The next cut in pay, which would come 18 months from when we do the right thing and move beyond the politics and get something done, will be a 20-percent cut—unsustainable.

I would say the real answer for the long term is to fix Medicare and to fix the doctors' pay problem. Unfortunately, we have not been able to come to an agreement. I daresay I don't believe we will today either. So I believe the real answer to the issue is to extend the program temporarily. We have not done so in the past, even though it has been requested. I wonder why.

The fact is that to date, the Congress has passed 28 temporary extensions for programs where agreement has yet to be reached so these programs can continue without interruption during the time those differences are ironed out. These extensions are commonplace, as demonstrated by the 28 temporary extensions during this Congress alone. In fact, at the time the majority objected to the first request for a short-term extension, Medicare payment rates were already operating under a 10-month temporary extension from last December.

So I would say it is time for us to stop the political ''gotcha'' games and allow the doctors to be assured that they will not be suffering a pay cut while we get to a bipartisan agreement because it is important that this be a bipartisan effort and that we come at it in a bipartisan way with ideas from both sides of the aisle. We can do that. While that takes place, I believe the only way to proceed would be for there to be a 30-day extension that can allow uninterrupted payments to continue. The differences can be worked out, as they always are in this environment, although not always on a timely basis, and then we can move forward.

UNANIMOUS CONSENT REQUEST

At this time, I ask unanimous consent that if cloture is not invoked on the motion to proceed to the House-passed bill, the Senate proceed to the immediate consideration of a Senate bill which I will send to the desk, and it is clean, a 1-month extension of the Medicare payments bill. I further ask unanimous consent that there be 15 minutes of debate equally divided and that following the use or yielding back of time, the bill be read a third time and the Senate proceed to a vote on passage without any intervening action or debate.

Mr. REID. Madam President, reserving the right to object, in the 10 minutes I have before the vote, I will address in some detail why this is such a fallacious idea, and I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCONNELL. Madam President, the issue before us is the physician payment update, and on that point we don't disagree at all. Everyone agrees we should prevent the cut and preserve seniors' access to care under the Medicare Program.

Republicans have been flexible on finding a solution. When it was clear that the Senate wouldn't move to the last partisan bill that was proposed, I asked my friends on the other side to work with us on a bipartisan compromise with Senator GRASSLEY and Senator BAUCUS. Both have a long history on finding workable compromises on very tough issues. If that wasn't possible, we proposed an 18-month extension of current law. Then we proposed a 1-month extension. There is no good reason patients and physicians should suffer while Congress works out its disagreements. The majority objected to all of these proposals out of hand. They weren't interested. They even rejected the opportunity to have a single amendment on the bill—no amendments.

So now, rather than resolving the problem in a way that is acceptable to everyone and in a form the President will sign, we are no closer to a solution for seniors and their doctors than we were 2 weeks ago. Rather than passing a short-term safety net bill while we get a good, bipartisan bill to protect 2 million seniors from losing their private Medicare Advantage plans, the majority chose an all-or-nothing approach.

It seems to me that if we can't resolve policy issues today, we should at least agree to a short-term extension of existing law, which my good friend from Florida just offered, including a bipartisan proposal to delay competitive bidding that is identical to a provision in the House bill that the other side has already voted for.

So let's sum it up. The Democrats don't want a bipartisan compromise. They don't want a long-term extension of current law. They don't want a short-term extension of current law. Yet they are not to blame for this Medicare cut going into effect? We know how to prevent this cut from going into effect, but we can't stop it. We can't protect the doctors, and we can't protect access of choice for seniors if the Democrats won't let us.

How much time remains on this side?

The PRESIDING OFFICER. There is 8 minutes 14 seconds remaining.

The Senator from Iowa.

Mr. GRASSLEY. Madam President, I wish to review some facts.

At the end of last year, we agreed to a short-term Medicare extension so that we could complete work on a bipartisan Medicare package this year that would fill out the 2 years that we previously had planned to do it. We were very close to a deal then and needed time to finish that work, so that is why we did the short-term extension. Both sides agreed that we would work quickly to get a bill that could be signed into law. Unfortunately, that effort has been intentionally derailed by the majority's desire to play politics with Medicare.

The fact is that the majority has twice walked away from good-faith, bipartisan negotiations. The fact is that we had been working for months before the rug was pulled. The fact is that we had actually completed that bipartisan deal 2 weeks ago yesterday, about 11 o'clock in the morning. It was a deal that would be signed into law—in other words, not be vetoed by the President of the United States. But the other side thought they saw a political advantage, and they have taken that into consideration. So they scuttled the deal in favor of a bill that would, in fact, be vetoed by the President of the United States, and that is where we are again right now. Now they have spent the last 2 weeks engaged in an effort to scare seniors and providers, and the worst thing yet is that it has been aided and abetted by the American Medical Association.

The bill is riddled with problems and missed opportunities. First and foremost, the bill we are going to be voting on would do serious harm to Medicare drug benefits on which millions of seniors have come to depend. It would tie the hands of Medicare Part D plans, resulting in higher drug prices and higher premiums for seniors.

Let me quote from a communication I received today from the Medicare Office of the Actuary. Their conclusion is that it would ''very likely result in additional Federal spending for the Part D program.'' Also, outside analysts have likewise concluded that this provision has the potential to undermine the long-term financial sustainability of the Medicare drug benefit.

This provision, which is tucked away in a seemingly harmless provision intended to clarify what classes of drugs might be protected under Part D, is a perfect example of why we work best in this body when we work together and

when we do it in a bipartisan way. When we work together, we catch these little landmines tucked away in House-passed bills that could do real harm to a program seniors rely on for their drug coverage.

Instead of writing a bipartisan bill, the majority twice walked away from the table, and now we are in a position of ''take it or leave it.'' The process here today does a disservice to the purpose of the Senate, but more than that, it does a disservice to seniors, to doctors, and everyone who depends on Medicare.

There is a deal to be reached here. We could vote on a deal today that includes many of the policies in the underlying bill but fixes glaring problems. We could vote today on a bill that would provide a 1.1-percent update for physicians. We could vote on a bill today that would not be vetoed.

To my colleagues today, I say we should vote no on this motion so we can get back to something the President will sign and get it done and get it done quickly.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MCCONNELL. Madam President, I yield back the remainder of our time.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, thank you very much.

My distinguished counterpart, the Republican leader, has often said there is a right way and a wrong way to get things done here in the Senate. The right way, he says, is through bipartisanship. I agree with my colleague.

Before the Fourth of July break, we saw such a stunning moment of bipartisanship in the House of Representatives. Democrats and Republicans saw the harm our country could face if Congress did not take action to pass the doctors fix. Members of Congress knew that without bipartisan leadership, doctors would face cuts in the payments they receive, which would cause them to drop patients and even drop out of Medicare completely. Members of the Senate knew that if they sat on their hands, nothing would be done, obviously, but the House of Representatives knew that if they sat on their hands, millions of senior citizens, people with disabilities, Active Duty, retired military, and their families could all face a reduction in the quality of their care. So the Democrats and Republicans in the House of Representatives passed an identical bill that is now before us, the so-called doctors fix—listen to this—by a bipartisan majority of 355 to 59. Every single Democrat voted for the measure. Two-thirds—two-thirds—of the Republicans joined them.

This is bipartisanship at its very best. When the House, by a vote of 359 to 55, votes as they did, this is bipartisanship at its best. In fact, one of the small number of Republicans who voted no felt so badly after the vote took place that he wrote a letter to all the physicians in his district and all the senior citizens in his district and said: I am sorry. I am sorry. I made a mistake. I didn't know it was so important. He said: If I ever have a chance to vote on it again, I will vote with the vast majority of the Members of the House of Representatives.

If Senate Republicans are looking for bipartisanship, they need to look no further than the bipartisan breakthrough we saw on Medicare in the House of Representatives. Republicans in the Senate should have seen the overwhelming support for this critical legislation from both sides of the aisle in the House and joined the effort here in the Senate.

As I look across this body, I see a number of us who have served in the House of Representatives: the ranking member of the Finance Committee, the Senator from Michigan, the Senator from Illinois, the chairman of the Finance Committee, and others. The House of Representatives is known as a partisan body. We are not. They showed that, for the good of the American people, they could set their partisanship aside and vote, and they did that.

If, in fact, the Republicans here in the Senate had looked and studied what took place in the House of Representatives, this bill would have passed before the break we took before Fourth of July and it would have been sent to the President and we would be spending our time today focusing on other critical priorities for the American people such as gas prices, such as housing, and issues on which Republicans have done a lot of talking but no legislating. Instead, though, Senate Republicans have once again chosen the side of delay and obstruction.

The Republicans may talk about bipartisanship—and when they do, we agree with every word they say—but words alone won't solve the Medicare problem today. Words won't support doctors. Words won't keep senior citizens healthy or veterans or Active military and their families getting proper health care. This critical problem calls not for words but action, and the only action the Republicans have taken on this Medicare issue is delay, delay, delay.

What can the American people conclude, except that the Republicans have chosen the side of the insurance companies—the insurance companies—and the HMOs that are already making untold fortunes. Last year, the so-called Medicare Advantage, they made $15 billion. How did they make it? They made it at the expense of millions of senior citizens who rely on Medicare to stay healthy.

This morning in the Senate, the Republican leader made a very interesting point, and all should listen to the point he made. He said that with more than 300 Members of the House of Representatives having voted in favor of the legislation, the Senate should follow suit and pass it immediately.

He argued that delaying or trying to amend a bill with such strong, bipartisan support from the House would serve no purpose but to delay its implementation. Senator MCCONNELL was talking about the Foreign Intelligence Surveillance Act, FISA. But it appears that the Republican leader and his colleagues on the other side of the aisle want to have a different set of rules for each piece of legislation. On FISA, having an overwhelming 300 votes meant don't delay it and vote for it here. It means something different on Medicare, when even more voted for it.

If the 300-plus vote in the House was good enough on the FISA bill, shouldn't the 355 votes for Medicare be good enough as well? I would hope so.

In their effort to block this critical legislation, the Republicans have now concocted an argument that their opposition lies in their inability to offer amendments.

Think about that. Their opposition lies in the fact that they cannot offer amendments.

If only the majority would allow amendments, they say, this bill would sail through passage. But the facts are clear. The Senate Republican leadership was at the table when the process of the bill was discussed. The Republican leader agreed to the process about which we are now engaged. This process was agreed to unanimously by every single Senator, Democratic and Republican alike. We are here today because of that unanimous consent agreement.

The process—to which, I repeat, all Republicans agreed and all Democrats agreed—was that after a 60-vote margin on a motion to proceed, the bill would go directly to the President. There was ample opportunity to make the case for amendments prior to the unanimous consent agreement.

I have gotten to know MAX BAUCUS, of Montana, very well in my 26 years in the Congress. I don't know of a Senator who has more of a reputation for bipartisanship than the Senator from Montana. He is known as a person who works with Republicans. That is why we, on the Democratic side, so admire him and support his chairmanship of the Finance Committee. But even MAX BAUCUS has had enough. He has had enough. He knows he has tried. He knows this is stalling and that this is obstruction. Even MAX BAUCUS—I believe the most bipartisan Member of the 100 Senators here—said that is enough.

Well, I made it clear a long time ago to Senator BAUCUS and others that we would have considered any reasonable proposal. But that time has long since passed. If Republicans were serious about passing this legislation and amendments were the only thing standing in the way, that would be one thing. They would have negotiated for amendments long before the 59-vote debacle of 2 weeks ago and certainly long before now.

It could not be clearer that the amendment argument is the latest

thinly veiled excuse for opposing this legislation to provide for doctors, senior citizens, and veterans.

These excuses for voting the wrong way aren't convincing anyone. Doctors, senior citizens, military families who rely on TRICARE, and all Americans see these Republican tactics for what they are. The Republican call for a 31-day extension is another duck and dodge. Let's think a minute. Where are we going to be in 31 days? Do you think there might be conventions going on, where OBAMA is being nominated and MCCAIN is being nominated? We are out of session. That shows how fallacious and foolish a 31- or 30-day extension is. What would happen when that time runs out? We would be out of session. Well, of course, that would lead to nothing but redtape and confusion for Medicare providers during the next 30 days.

This legislation that is before this body is the very same that passed the House of Representatives, with all the Democrats and two-thirds of the Republicans voting for it, and it is supported not by a bunch of fringe groups. For example, AARP supports this. The physician community, including the American Medical Association, and all the specialist groups, such as the internists, orthopedic surgeons, and brain surgeons, all support this legislation.

The pharmaceutical industry supports it. My friends say this is very bad for seniors as it relates to pharmaceuticals. Why in the world would the pharmaceutical industry support what we are trying to do? Hospitals, the American Hospital Association, patient groups such as the American Heart Association, American Cancer Society, and hundreds and hundreds of other organizations support this.

Who opposes this bill? I will tell you who. Not hundreds of organizations, not AARP, not the American Cancer Society. Only two organizations: the insurance industry, that always has the best interests of the American people in mind. They always look out for us, as you know. Who is the other special interest group that supports doing nothing? The HMOs. How many of you remember that Jack Nicholson movie, when they brought up HMOs and whole theaters booed all over America when that provision came up?

The American people are booing the Republicans today because they have sided with the insurance industry and the HMOs. We have sided with senior citizens and with the veterans and their families. We know President Bush opposes this legislation and he threatened to veto it. Some Republicans said: Why pass a bill now when the President is going to veto it? Think about this. First of all, talk to my colleagues on the other side of the aisle. We have a government that is founded by our Constitution as three separate and equal branches. We have to do the right thing. That is how checks and balances work.

We should pass this bill because we owe it to senior citizens, veterans, the doctors who are working hard. I remind our Republican friends that the House of Representatives has more than enough votes to override the veto. There is no reason we cannot do the same in the Senate. I also remind our colleagues of what happened to the GI bill of rights, one of the landmark pieces of legislation to pass this country in the last 50 years. When Senator WEBB and others introduced that legislation to give something back to our troops in the form of educational opportunities to help them succeed when they return home, President Bush and many Republicans, including JOHN MCCAIN, declared the bill was too generous. The President vowed he was going to veto the bill.

Surely then, some Republicans said that if the President opposes the bill, the Senate has no business debating and passing it. But we did our job. We did what was right for our troops and veterans, and we passed the GI bill overwhelmingly. To his credit, President Bush acquiesced.

I believe that if the Senate Republicans follow the lead of their House counterparts by voting for cloture today and sending the Medicare doctors fix bill to the President's desk with an overwhelming bipartisan majority, President Bush will heed the calls of the House and the Senate, of doctors, of patients, of advocacy groups, and of our troops.

I, personally, support this legislation on behalf of the 320,000 Medicare patients in Nevada and Dr. Edward Kingsley, a cofounder of the Comprehensive Cancer Centers in Las Vegas, who said:

> Some physicians are not going to be able to afford [to continue taking Medicare patients]. . . . That's ultimately what we all fear—these patients are not going to have access to the care they need.

I support this legislation also on behalf of the approximately 320,000 Nevadans who are Medicare patients.

I support this on behalf of the almost 9 million service men and women and families enrolled in TRICARE.

I support this legislation on behalf of the 44 million senior citizens and the people with disabilities who rely on Medicare to stay healthy and live their golden years to the fullest. That is what Medicare is about.

Since President Lyndon Baines Johnson signed the Medicare law more than 40 years ago, the Congress and Senate has always worked to improve and maintain it. Congress has never seriously threatened Medicare or the benefits our senior citizens have earned.

Before the July 4 recess, 59 Senators voted to move toward passage of the doctors fix. All Democrats voted yes—every one of us. We were joined by a small group of exemplary Republicans who were willing to stand up to the insurance companies and HMOs and the veto threats of the President.

We needed 60 votes to pass this. We came up one short. Today, we remain one Republican vote away from passing this bill. As I look across the aisle to my Republican friends, the 60th vote is there.

I urge my colleagues to vote for cloture so we can send this legislation to the President with an overwhelming bipartisan vote to reflect overwhelming support for it among the American people.

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to H.R. 6331, the Medicare Improvements for Patients and Providers Act.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 6331, the Medicare Improvements for Patients and Providers Act of 2008, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 69, nays 30, as follows:

[Rollcall Vote No. 169 Leg.]

YEAS—69

Akaka	Durbin	Murray
Alexander	Feingold	Nelson (FL)
Baucus	Feinstein	Nelson (NE)
Bayh	Harkin	Obama
Biden	Hutchison	Pryor
Bingaman	Inouye	Reed
Boxer	Isakson	Reid
Brown	Johnson	Roberts
Byrd	Kennedy	Rockefeller
Cantwell	Kerry	Salazar
Cardin	Klobuchar	Sanders
Carper	Kohl	Schumer
Casey	Landrieu	Smith
Chambliss	Lautenberg	Snowe
Clinton	Leahy	Specter
Coleman	Levin	Stabenow
Collins	Lieberman	Stevens
Conrad	Lincoln	Tester
Corker	Martinez	Voinovich
Cornyn	McCaskill	Warner
Dodd	Menendez	Webb
Dole	Mikulski	Whitehouse
Dorgan	Murkowski	Wyden

NAYS—30

Allard	Crapo	Inhofe
Barrasso	DeMint	Kyl
Bennett	Domenici	Lugar
Bond	Ensign	McConnell
Brownback	Enzi	Sessions
Bunning	Graham	Shelby
Burr	Grassley	Sununu
Coburn	Gregg	Thune
Cochran	Hagel	Vitter
Craig	Hatch	Wicker

NOT VOTING—1

McCain

The motion was agreed to.

The PRESIDING OFFICER. Upon reconsideration, on this vote the yeas are 69, the nays are 30. Three-fifths of the

Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Under the previous order, all postcloture time is yielded back and the Senate will proceed to consideration of the bill.

Under the previous order, the clerk will read the bill for the third time.

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, the bill is passed and the motion to reconsider is considered made and laid upon the table.

The bill (H.R. 6331) was passed.

AMERICAN HOUSING RESCUE AND FORECLOSURE PREVENTION ACT OF 2008

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A message from the House of Representatives to accompany H.R. 3221, an act to provide needed housing reform, and for other purposes.

Pending:

Reid amendment No. 5067 (to the motion to concur in the amendment of the House adding a new title to the amendment of the Senate), to change the enactment date.

Reid amendment No. 5068 (to amendment No. 5067), of a perfecting nature.

Mr. REED. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPLANATIONS OF VOTES

Mr. SESSIONS. Madam President, I missed the final vote on the FISA final passage that occurred earlier this afternoon. Had I been present for the vote, I would have voted in favor of the bill. This position is consistent with all my previous votes on the matter, and with my considered judgment that this legislation is critical to protecting our country from future terrorist attacks.

Madam President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Madam President, I wish to say that we have had a very dramatic moment here on the floor of the Senate, and I think there wasn't a person in the room or the gallery who wasn't thrilled to see Senator KENNEDY back and looking so good, to do what he always does, and that is have the commitment and go the extra mile to keep that commitment.

I wanted to say, though, that I don't think this was the Senate's finest hour. I want us to all remember that in the Senate we have had a long tradition of bringing up legislation, having amendments, and then voting on legislation. That was not the case in the bill that was before us today. There was an attempt to pass a bill that had no ability for amendments—not one.

I voted for the bill. It is not the way I would have written it, but I thought the risk was so great that the doctor fix in Medicare might actually lapse and the upheaval for our senior citizens and voters would be a risk too great to take. But it didn't have to be that way. It did not have to be a shutout of Republicans in order to ram something through, when 100 percent of us wanted to fix the doctors; when 100 percent of us had an agreement on 90 percent of the bill that was before us. But there were legitimate differences.

Although I chose to make sure there would not be a cut in service to our seniors and our veterans, I don't think we had to do it that way. Any of my colleagues who didn't vote that way were voting conscience, and it was a tough vote for them as well. They had no input. Several of us who voted ''yes'' believed we could have changed the bill for the better, or at least if we had the opportunity for an amendment we would have known that we had our say and the majority would have ruled, and the result would have been the same.

I do not think this is the way we want to continue proceeding in the Senate, and though it was a great victory for the Democrats, and it was certainly something that is going to save a cataclysmic event, I hope that going forward we will not allow this kind of tension to be in this body because it is not necessary. This is not the House. The House does operate that way. I do not want that to happen in the Senate.

It is my plea to the majority leader that he is the leader of the Senate, not just the leader of the Democrats. I hope going forward he will give us the opportunity for bipartisan solutions. That is something I think all of us would feel better about.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. DOLE. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. DOLE. I ask consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING JESSE HELMS

Mrs. DOLE. Madam President, yesterday, hundreds of people from all walks of life and across the political spectrum traveled from near and far to Hayes Barton Baptist Church in Raleigh, NC, to pay their final respects to United States Senator Jesse Helms and to express condolences to his beloved wife, Dot, and their family.

In the days since Jesse's July 4 passing, we have heard it said by many: You knew where Jesse Helms stood. As my husband, Bob Dole said, ''You didn't have to look under the table. You always knew where Jesse was.''

Even those who disagreed with Jesse on an issue could respect the fact that he always stood tall and firm—for his convictions, his faith, his family, his home State of North Carolina, and the United States of America.

When I announced that I was running to succeed Senator Helms—and I have always said ''succeed'' him because no one could replace him—I pledged to continue his commitment to constituent service that was second-to-none. He helped thousands upon thousands of North Carolinians, Democrats, Republicans, and Independents alike. No problem was too small or too great for Jesse and his staff to take on during his 30 years of service for the people of our State and the Nation.

I can still hear my father saying, ''Jesse Helms is our watchdog. He's a relentless watchdog for North Carolina and for America!'' And Jesse often recalled that my mother was on the front row at his very first rally in Rowan County. Through the years, Jesse unfailingly phoned my mother on her May 22 birthday, and she lived to be just 4 months short of 103 years old. In fact, Jesse would often stay late at his Senate office, making thoughtful phone calls and writing personal letters to constituents, colleagues, and friends.

For all his small gestures of kindness and his great acts of service, Jesse Helms was not driven by self-serving motives. He did not seek recognition for good deeds, or public acclaim for success. Jesse shunned the spotlight of the Sunday morning talk shows. The people he served from North Carolina, he said, weren't watching, they, like he and Dot, were in church.

In 1997, Fred Barnes wrote a piece in the Weekly Standard that proclaimed: ''Next to Ronald Reagan, Jesse Helms is the most important conservative of the last 25 years . . . and the most inner-directed person in Washington.'' And Fred adds, ''No conservative save Reagan comes close to matching Helms' influence on American politics and policy in the quarter century since he won a Senate seat in North Carolina.'' Of course many have said that President Reagan might never have been elected at all without the help of Jesse Helms in the 1976 North Carolina primary—a win most pundits credit with rejuvenating the Reagan campaign—and setting Ronald Reagan up to win the nomination 4 years later.

On the national political stage, Jesse Helms was known by both fans and critics as a tough-as-nails Senator who

was a relentless fighter for the causes he believed in. A master of the Senate rules, he would use them to call up votes that required his colleagues to go on the record on difficult issues. He believed the American people were entitled to know their representatives' positions. But it was Jesse's kindness to Senate employees, his pride in his staff and his love for helping youngsters that made him absolutely legendary. He would ask the Senate pages, ''Would you like to go down and have some ice cream in the Senate Dining Room?'' Imagine the thrill for these young people when the renowned chairman of the Senate Foreign Relations Committee took time out to sit down and talk with them over ice cream.

A gentleman always, Jesse was known for his civility, among his colleagues, the elevator operators, the Capitol Hill police, and all who worked throughout the Capitol.

This past Monday evening, the Senate approved a resolution—cosponsored by all 100 Senators—honoring the life, career and great achievements of Jesse Alexander Helms, Jr. His public career certainly yielded many notable accomplishments as a leader in the fight against communism, as a staunch protector of U.S. sovereignty, as a reformer of the United Nations, and as the first legislator of any nation to address the United Nations Security Council.

That said, in keeping with Jesse's character and his own commitment to himself not to become a ''big-shot senator,'' he would probably like for us to consider that his greatest accomplishments were in his roles as husband, father, grandfather, and friend.

My husband Bob and I are forever grateful that we were able to call Jesse Helms a friend and colleague for so many years, and we extend our deepest sympathies to the Helms family in this difficult time.

Mr. BURR. Madam President, I rise to honor a friend, a mentor, and a colleague I thought was a true statesman. I mourn the passing of one of North Carolina's greatest sons, Senator Jesse Helms. Senator Helms passed away last Friday, the Fourth of July, a very fitting day for Senator Helms to leave because of his deep belief in the independence of this country, in the liberties and freedoms we have.

It says a lot when you can simply mention a man's first name in his home State and everyone knows exactly who you are talking about. Jesse, as most North Carolinians referred to him, was a true gentleman. He was a good man who fought hard for what he believed in. Some core principles—free enterprise, traditional values, and a strong national defense—guided his 30 years of service in this institution, the Senate. He never relented in his pursuit to defend his beliefs or to stand up for his constituents, and he wouldn't shy away from an unpopular idea. Jesse Helms was a fearless, honest man who was considered by all who actually knew him as a true patriot. Those he served with on both sides of the aisle considered him one of the most influential Members to enter service in this body. You may not have agreed with him on every issue or any issue, and you may have been disappointed by some of the positions he took, but he was respectful, a soft-spoken man with an impeccable character and a professional and personal integrity that could never, ever be challenged.

It speaks volumes that one of his closest friends among his colleagues was the late Paul Wellstone of Minnesota. Both men were, to borrow from Senator Helms' description of Senator Wellstone, ''courageous defenders of what they believed.''

Senator Helms harbored honored qualities that today too often are taken for granted. If Jesse Helms looked you in the eye and gave you his word, you could count on him to deliver. Jesse's word was better than any written agreement or signed contract. He was a man you could trust when you shook his hand.

Certainly, a contributor to these qualities was his humble origins in the small town of Monroe, NC. I can speak for days attempting to describe the full impact that Senator Helms had on my home State of North Carolina and the impact he had on this great Nation. But Jesse Helms was more than a champion of one State or one nation. He was a global force and was always willing to stand up to oppressive governments, dictatorships, and ineffective international organizations. Some of the more controversial positions he voiced during the course of his career might have clouded the mammoth change his service to our Nation brought to the entire world.

As chairman of the Foreign Relations Committee, he wasn't afraid to boldly speak his mind in the interest of defeating international tyranny, promoting U.S. sovereignty, and solidifying our Nation's place as the leader of the free world. His global influence is still noticeable in many ways within the international arena.

Among his historic accomplishments were his tireless efforts toward the much needed reforms of the United Nations. For a legislator, Jesse wielded a unique international prominence that was proven when he was invited to be the first legislator from any nation to address the United Nations Security Council. Through his service, Jesse made our country safer. But his passion for protecting our national security, assuring our global distinction, and preserving our valuable individual democratic freedoms ran much deeper than his broad foreign policy work might suggest.

One of Jesse's most impressive qualities was that he never lost sight of his role in Washington. He knew that as Senators, we are sent here to serve the constituents of our home States, not with the power of the position. Jesse Helms focused his most unwavering efforts toward seeing every single one of the constituents who contacted his office. It is a path I have endeavored to follow, and I am grateful to him for having provided that model. If you were from North Carolina and you had a question you wanted answered by the Federal Government, Jesse would get you the answer. It didn't matter what your political affiliation happened to be or who you supported in an election. Jesse Helms mastered the art of constituent service. It wasn't unusual for him to pick up the phone himself, call a civil servant at a Federal agency working on a particular piece of case work that was lingering unresolved, and directly ask for an answer himself. That is the kind of man Senator Helms was. He wasn't interested in the rank-and-file bureaucratic hierarchy of the Federal Government. He wanted answers to questions, questions that his hard- working, Federal taxpaying constituents had. So in his gentle and respectful tone, he would simply ask for an answer.

Constituents knew they could turn to their home State Senator to solve their problems. Even if they disagreed with Jesse's politics, they knew he would help them. It will surprise no one who reads his memoirs that he dedicates an entire chapter to constituent service. I read it as a tribute to those who worked for Senator Helms on behalf of North Carolina for so many years. The stories about his focus on constituent service sound almost legendary. I am sure many of my colleagues, and no doubt a number of North Carolinians, have heard the one about two liberals chatting about the problem one of them was having in getting a Federal agency to respond to a question of one kind or another. It could have been about a problem with a Social Security check or a disability payment or any of the hundred other things that congressional offices deal with on behalf of their constituents on a daily basis.

One was complaining to the other that they were at the end of their rope. They are tired of everything, including their congressional representative. The other one listened intently, nodding in sympathy with the plight of their friend. When the friend was done talking, the other thought for a moment and finally said: I hate to say it, but it is time for you to call Jesse.

When it came to constituent service, ''Senator No,'' as he was often referred to by his critics, was more often than not actually ''Senator Yes.''

John Wooden, the great basketball coach, once said:

> You can't live a perfect day without doing something for someone who will never be able to repay you.

Jesse Helms lived his days in the Senate by that creed.

Senator Helms proved that you do not need to win by a landslide to make policy or to make a difference. As he might put it, he campaigned and legislated based upon his principles rather than his preferences. Those principles

and his constituents guided his public service. He was successful in his work, however, because of his willingness to take a stand.

Much has been made, of course, about Jesse Helms's stands against programs and spending that he felt were misguided or were not a proper responsibility of the Federal Government. Those stands had a tendency to be misunderstood. If you did not know where Senator Helms stood on an issue, it was probably because you did not ask.

Madam President, today I thank Jesse Helms. I thank Senator Helms for his service, for his leadership, for the fact that he was willing to take a stand, a stand that was not popular every time, a stand that he believed was right, not because of any political influence but because of what he understood this job to be about.

Jesse Helms today enters a house that I think he looked forward to being in. It is not the House of Congress. But truly, Jesse Helms was greeted with the sound of angels and the words ''good job.''

Today, our thoughts and prayers are with his wife Dot and their entire family. His Senate colleagues miss him. But the Senate is a much better institution today for the 30 years of service of Senator Jesse Alexander Helms, Jr.

Madam President, I yield the floor.

Mr. BYRD. Madam President, back in the 1960s, Jesse Helms was the commentator for WRAL radio in North Carolina, and on his radio program, he offered me support and comfort for some controversial views which I held at the time.

Although Helms had worked as a staffer for two different Senators, as far as I knew, Jesse Helms and I had never met. But there he was, in Raleigh, NC, in a series of radio commentaries, defending my right to take positions based on my personal convictions and values. He said I was a Senator whose ''greatest strength'' was my ''dedicated independence of thought and action.'' I was a Senator who was ''neither easily frightened nor intimidated.'' A Senator who always stood ''up for what he regards as important.''

I appreciated his support during those trying times. I never forgot it.

Therefore, when Jesse Helms was elected to the Senate in 1972, it seemed that we were already well acquainted. We became friends as we came to know each other, and to respect each other.

Jesse Helms was a courtly Southern gentleman of the first order, a product of the South and his beloved North Carolina, which happens to be my native State. Jesse Helms was also a deeply religious man of integrity, honesty, and patriotism.

He believed in the Constitution. He believed in the Senate as an institution and in its premier place in our government. Senator Helms was one of those rare Senators who was never looking for another office. He wanted to be a Senator. He was grateful to be able to serve the people of North Carolina and the United States in this Chamber.

And he certainly made his presence felt here in the U.S. Senate. During his years in the Senate, he served as chairman of the Senate Agricultural Committee and the Senate Foreign Relations Committee.

More than once, Senator Helms was the singular ''no'' vote on a particular matter, i.e, the Frank Carlucci nomination as Secretary of Defense, November 20, 1987, 91–1: Elementary and Secondary Education Improvement Act of 1987, December 1, 1987, 97–1, S. 373. He proudly wore his well earned title of ''Senator No.''

No matter what the press said, no matter what the pundits were saying, no matter what even his colleagues were saying, he never wavered in his convictions. The ''paramount thing'' for political leaders, Senator Helms once explained, ''is whether a man believes in [his] principles . . . and whether he is willing to stand up for them, win or lose.''

Consequently, we always knew where Senator Helms stood. Take an issue—abortion, prayer in school, presidential nominations, reducing the deficit, taxes, government waste, the future of this country—if you did not already know where he stood, he was always ready to tell you.

Some of his positions were unpopular. Some of them seemed extreme and doomed from the start.

But, his differences with his Senate colleagues were always political, not personal. They were differences of opinions, not of heart.

Madam President, I express my most heartfelt condolences to the family and friends of this extraordinary Senator.

Mrs. HUTCHISON. Madam President, I wish to pay tribute to the memory of our former colleague, Senator Jesse Helms, who passed away, fittingly on Independence Day, a day which meant so much to him.

A great deal has been written and said about Senator Helms. He was a man who provoked strong feelings—both pro and con—and he enjoyed being the subject of spirited discussions.

It is well known and well told that Senator Helms could be, and often was, a tough opponent but also could be and often was an invaluable ally.

He was a man of strongly held, deeply held views and was never hesitant to share those views with the rest of the Senate.

But it is less well known that Jesse Helms was a kind and considerate colleague. Fifteen years ago, he welcomed a new Member from Texas into the Senate. I always appreciated his advice and his love of the Senate as an institution.

Jesse Helms began as an editor at a newspaper in North Carolina and then went to a television station in Raleigh. It was the notoriety which he gained from being a TV commentator which led him to the U.S. Senate.

Today we have many former colleagues who started in the U.S. Senate and are now TV commentators. It was typical of Jesse to do it the opposite way.

He once said of his career in the Senate, ''I would like to be remembered as a fella who did the best he could and didn't back down when he thought he was right.''

Jesse Helms was a man who had the courage to stand against the often transient winds of political convenience. He wasn't always right. He was right a good part of the time, but he was always Jesse.

Mr. FEINGOLD. Mr. President, everyone in this Chamber is saddened by the loss of our former colleague from North Carolina, Jesse Helms. Many of us served with him, and know how dedicated a public servant he was. I didn't always agree with him; in fact, we disagreed much of the time. But one of the many wonderful things about working in the Senate is finding ways to work together with colleagues who have very different beliefs and goals for the good of the country.

Senator Helms and I shared a commitment to ensuring that the U.S. only entered into trade agreements that are fair to the hard-working men and women of this country. I appreciated his commitment to that issue, and I was pleased to work with him to support fair trade.

I also served with Senator Helms as a member of the Senate's Foreign Relations Committee. He served as chairman for many years, and during that time we also found common ground on the issue of most favored nation, MFN, status for China. Senator Helms and I worked together in opposition to granting MFN status to a country with such gross human rights violations. Together, we led the fight against MFN because it ignored the appalling human rights abuses in China, and abdicated the Senate's responsibility to exert pressure on the Chinese government to improve its record on human rights.

In the wake of Senator Helms' passing, people will remember him for the many different things he accomplished in his lifetime. I add these memories to those remembrances of Senator Helms, who led such a full life inside and outside of public service. My thoughts are with his family, and the people of North Carolina he served with such dedication for 30 years.

Mr. BUNNING. Madam President, I would like to pay tribute to a friend and great American Senator who, fittingly, left us on the Fourth of July—the same day as two of our Nation's Founders: Thomas Jefferson and John Adams—at the age of 86.

In terms of a U.S. Senator, Jesse Helms was a heavyweight. Jesse Helms was relentless in his fight to defend the ideals that embody America. And no matter what policy Jesse Helms was defending during a debate, everyone could agree on one thing: you always knew where he stood and that he was a man of his word. A devoted and outspoken conservative, his principles of

small government and individual freedom served as an international microphone for American creed during the Cold War and beyond.

While Jesse's political life was open to everyone, I had the distinct honor of knowing him on a personal level. In 1998, after serving in the U.S. House of Representatives for over a decade, I came to the Senate and was quickly greeted by Senator Helms—apparently Senator Helms knew a conservative when he saw one. As someone who shared many of the same philosophical views as Jesse Helms, we would often discuss contentious issues that arose before the Senate. During these moments I realized that, behind his hard public image, Jesse Helms was one of the most compassionate and sincere men I had ever met. This affectionate and friendly attitude brought out the southern gentleman whom we all loved.

I will miss Senator Helms's political leadership, but I am happy his impact on our country lives on. Mary and I send our thoughts and prayers to his wife Dot and their family as they mourn for their loss and remember an extraordinary life.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SCHUMER). Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST—S. 2731

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 698, S. 2731, at a time to be determined by the majority leader, following consultation with the Republican leader; and that the only amendments in order, other than the committee-reported substitute, be the Biden-Lugar managers' package substitute amendment; two amendments from each side that are germane to the Senate bill, the committee-reported substitute and the Biden-Lugar substitute; with second-degree amendments in order to the four amendments listed above, two per side, that are germane to the amendment to which they are offered; that general debate time on the bill be limited to 2 hours, equally divided and controlled between the leaders or their designees; that the debate time on any first-degree amendment be limited to 60 minutes, equally divided and controlled in the usual form; that any second-degree amendments be limited to 30 minutes equally divided and controlled in the usual form; that upon the disposition of all amendments, and the use or yielding back of time, the substitute, as amended, be agreed to, the bill, as amended, be read a third time, and the Foreign Relations Committee then be discharged of H.R. 5501, the House companion, and that all after the enacting clause be stricken and the text of S. 2731, as amended, be inserted in lieu thereof, the bill be read a third time, and the Senate proceed to vote on passage of H.R. 5501, as amended; that the provisions of this agreement become effective only after each of the amendments covered in this agreement have been available for 24 hours for review and printed in the RECORD; and each leader notifies the legislative clerk that they have no objections, and places a statement in the RECORD; further that S. 2731 then be returned to the calendar.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, there is, and I would like to make a brief statement. The majority leader's long unanimous consent agreement pertains to an important bill that the President would like to get passed through this body.

I think there is strong support for a bill along these lines. The consent itself, if one listened carefully, contains quite a few restrictions on the number of amendments, the time for debate, and so forth.

Since there are ongoing negotiations—I am personally involved in some of them—with regard to provisions of the legislation, the unanimous consent agreement is too restrictive at this time. I would hope that we could work out an agreeable substance of the provisions as well as an agreeable procedure at a subsequent time.

In fact, I think if we can reach an agreement on the substance, the procedure will be very easy to work out.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I have spoken today to my staff, and they have been in touch with Senator BIDEN's staff. Senator BIDEN also thinks that something can be worked out.

We have been hearing for a long time that is the problem. In conversations in the past with the President's people, this is important to him. It is an important piece of legislation. I would hope that Senator KYL and others, working with Senators LUGAR and BIDEN, can get an agreement worked out.

This is a bill that should have wide-ranging support. I am going to file cloture, I say to my friend, so that we can have a cloture vote on this on Friday. You might want to check with your people and see if we could perhaps have it tomorrow. But that is a decision that people can reach. If cloture is invoked, we will see if we can work out a procedure for working with the amendments. Hopefully, we can do that.

In fact, to be candid, my staff said Senator BIDEN wants to hold this off for a couple more days. I think we are going to have to go ahead and try to move with this. So maybe with what Senator BIDEN and you have said, maybe if we take a look at this either tomorrow or Friday—that is, the motion to proceed—perhaps we can work something out to have some way of moving forward.

I hope so, otherwise I would hope this will not go in the barrel of things that we cannot do this year. That would be a shame. This is a cloture petition. I could have gotten signatures on both sides of the aisle. So I appreciate the manner in which my friend has spoken. I hope this is something we can work out.

TOM LANTOS AND HENRY J. HYDE UNITED STATES GLOBAL LEADERSHIP AGAINST HIV/AIDS, TUBERCULOSIS, AND MALARIA REAUTHORIZATION ACT of 2008—MOTION TO PROCEED

Mr. REID. Mr. President, in view of the objection lodged against the request I made, I now move to proceed to Calendar No. 698, the Tom Lantos and Henry J. Hyde U.S. Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act, and I send a cloture motion to the desk.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 698, S. 2731, the Lantos-Hyde U.S. Global Leadership Against HIV/AIDS, Tuberculosis and Malaria Act.

Harry Reid, Joseph R. Biden, Jr., Barbara A. Mikulski, Charles E. Schumer, Christopher J. Dodd, Debbie Stabenow, Maria Cantwell, Byron L. Dorgan, Richard Durbin, Patrick J. Leahy, Bernard Sanders, Benjamin L. Cardin, Jack Reed, John F. Kerry, Patty Murray, Jon Tester, Thomas R. Carper.

Mr. REID. I would say, before I ask that the mandatory quorum be waived, that I had the good fortune, as did my colleague, to serve with both Tom Lantos and Henry Hyde. Both of these gentlemen, while serving in the House of Representatives, came to Nevada and did campaign events for me; one was a Democrat, one was a Republican.

I have great respect for both of these tremendous House Members, both chairmen—Congressman Hyde was chairman more than once. So it will be good if we can pass this legislation.

I ask unanimous consent that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ISAKSON. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

AMERICAN HOUSING RESCUE AND FORECLOSURE PREVENTION ACT OF 2008

Mr. ISAKSON. Mr. President, I rise for a moment to talk about the pending housing stimulus bill which we will vote on tomorrow and then, hopefully, it will quickly be delivered to the House where any differences we have can be worked out and agreed to. I come to talk about this issue because America faces a pending financial crisis that is founded in the housing market, with the troubled mortgages in the financial services sector, so much trouble that the current economic decline we have experienced and the current difficulties the stock market is experiencing are, in large measure, tied to the state of housing.

I commend Senators SHELBY and DODD. I actually thank the distinguished Senator from New York for the help he gave me on the tax credit on this bill.

This bill is not perfect, but it certainly improves tremendously the climate in the United States for housing. For a second I want to try and impress upon my colleagues how important this issue is and dispel some of the myths that have been put out there about this issue. First, unless we pass GSE reform, which means Fannie Mae and Freddie Mac, there is going to be little, if any, liquidity in the conventional mortgage market. This legislation is a good reform piece for Fannie and Freddie. It also provides provisions that will allow for forward commitments so that mortgage companies can make mortgages and fund them through Fannie and Freddie and get housing moving in the marketplace.

Second, it changes the loan limits on conventional and conventional jumbo loans to levels that are reflective of the values of housing.

Third, it provides for a housing tax credit, something I was proud to be a part of. I proved in 1974, the last time we had a crisis like this, that it is the one single thing we can do as a catalytic agent to drive buyers back to the housing market. So the solution is not a bailout but a stimulus to get buyers in there buying the inventory that was built over the last 12 months.

Fourth, there is a significant reform of FHA. Within that provision there is the creation of moneys for the refinance of troubled subprime loans. There has been a lot of misinformation in the news media and misinformation in speeches on this floor, frankly, on whether this is a bailout or whether it is a good thing to do.

For a second I want to explain why it is absolutely not a bailout and why it is absolutely the right thing to do. Any loan that is refinanced, any subprime loan in trouble that is refinanced has to meet the following qualification: Its equity has to be negative, meaning the house is worth less than what is owed against it; No. 2, the lender who holds the loan against that house has to agree to take the discount or take the hit on whatever the differential is in that negative value; No. 3, FHA will underwrite the new loan to refinance out the discounted balance of the loan to the lender, provided the individual is somebody who can qualify to amortize the loan. It forces the lender to take the hit which they are going to take eventually in a foreclosure, and it prevents the foreclosure. For the person in trouble, it gives them a chance to pay back over time and get their credit established and improve themselves and build equity in the house.

Most importantly, it benefits the next-door neighbor. I have heard so many people say we should not be helping somebody in trouble on a subprime loan. What do we say to the people who are making their payments and are not in trouble? The answer is, in most neighborhoods today where there is a foreclosure, values are going down, not up. You have John Q. Public who has made the monthly payments, has good credit. The house next door to him is foreclosed on. The grass grows. The lender sells at a deep discount. What happens, his equity is gone or is greatly reduced.

The combination of the housing stimulus in terms of the tax credit, combined with the ability to refinance out of the difficult subprime loan and the requirement that the lender take the deep discount they are going to ultimately have to recognize anyway, is a formula for rebuilding the housing market.

I know everybody here has a difficulty. There was one amendment—we will not be allowed any amendments—that I was very interested in offering in terms of the tax package. But I know the tree is filled up. There will be a managers' amendment. We will not be able to get to it. But you don't get everything you want in the Senate.

One thing we have to do is to improve the plight of the American people economically. There are two things overriding the average American and two things only: One is what they are paying at the pump for gasoline and, secondly, is the declining value of equity in their house. With passage of this bill, we can show hope for the housing market. We may stimulate the buying public to come back and solve it with good marketplace-based solutions rather than subsidies or a bailout and, most importantly, return to a more healthy mortgage market and a more disciplined mortgage market and a better underwritten mortgage market. Then secondly and most importantly, we can change attitudes. The attitudes of the buying public are pretty negative right now because the lenders can't make a loan. House values are going down. They want to buy, but they want to buy at the bottom. We have to send a signal that the lenders are back in business making loans. Freddie Mac and Fannie Mae are back in business in terms of securitizing mortgage money and putting liquidity into the market, and values are stabilizing. So for whatever differences some Members have over the bill they would like to have versus the bill we do have, we should be reminded that every day we wait is a protraction of the current economic difficulty in the housing market. We cannot afford to leave this week without agreeing to the motion tomorrow and sending it to the House so the House, when they come back next week, can pass the legislation and the President can sign it and, by the middle to the end of July, the mortgage market, the housing market, and the buying public's attitude will be turned around. By doing that, we can hopefully have a light at the end of the tunnel that is not a locomotive but, rather, is a prosperous, healthy housing market and a disciplined, well capitalized, and liquid mortgage market.

It is critical that we pass this legislation. I urge my fellow Senators to come to the floor, vote for the motion, and then let us get it to the House and encourage House Members to do precisely the same thing. It is getting too late. If we wait too long, it won't matter what we do.

I yield the floor.

Mr. BURR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. CANTWELL). Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHANGES TO S. CON. RES. 70

Mr. CONRAD. Madam President, section 221(f) of S. Con. Res. 70, the 2009 budget resolution, permits the chairman of the Senate Budget Committee to revise the allocations, aggregates, and other appropriate levels in the resolution for legislation providing economic relief for American families, including reauthorizing the Temporary Assistance for Needy Families program. In addition, section 227 authorizes the chairman of the Senate Budget Committee to revise the allocations, aggregates, and other appropriate levels in the resolution for legislation making improvements in health care, including within Medicare (subsection

(b)), Medicaid (subsection (e)), and other health areas (subsection (f)). The revisions are contingent on certain conditions being met, including that such legislation not worsen the deficit over the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

I find that H.R. 6331, the Medicare Improvements for Patients and Providers Act of 2008, satisfies the conditions of the reserve funds to provide economic relief for American families and improve America's health. Therefore, pursuant to sections 221(f) and 227, I am adjusting the aggregates in the 2009 budget resolution, as well as the allocation provided to the Senate Finance Committee.

I ask unanimous consent that the following revisions to S. Con. Res. 70 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009–S. CON. RES. 70; REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 221 (f) DEFICIT-NEUTRAL RESERVE FUND TO PROVIDE ECONOMIC RELIEF FOR AMERICAN FAMILIES AND SECTION 227 DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE AMERICAS HEALTH

[In billions of dollars]

Section 101	
(1)(A) Federal Revenues:	
FY 2008	1,875,401
FY 2009	2,029.653
FY 2010	2,204.695
FY 2011	2,413.285
FY 2012	2,506.063
FY 2013	2,626.571
(1)(B) Change in Federal Revenues:	
FY 2008	−3.999
FY 2009	−67.746
FY 2010	21.297
FY 2011	−14.785
FY 2012	−151.532
FY 2013	−123.648
(2) New Budget Authority	
FY 2008	2,564.247
FY 2009	2,538.301
FY 2010	2,566.665
FY 2011	2,692.500
FY 2012	2,734.141
FY 2013	2,858.583
(3) Budget Outlays	
FY 2008	2,466.678
FY 2009	2,573.384
FY 2010	2,625.623
FY 2011	2,711.441
FY 2012	2,719.543
FY 2013	2,851.826

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009–S. CON. RES. 70; REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 221 (f) DEFICIT-NEUTRAL RESERVE FUND TO PROVIDE ECONOMIC RELIEF FOR AMERICAN FAMILIES AND SECTION 227 DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE AMERICAS HEALTH

[In millions of dollars]

Current Allocation to Senate Finance Committee	
FY 2008 Budget Authority	1,100,859
FY 2008 Outlays	1,102,857
FY 2009 Budget Authority	1,085,721
FY 2009 Outlays	1,087,208
FY 2009–2013 Budget Authority	6,165,556
FY 2009–2013 Outlays	6,172,365
Adjustments	
FY 2008 Budget Authority	1,942
FY 2008 Outlays	1,924
FY 2009 Budget Authority	6,633
FY 2009 Outlays	6,516

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009–S. CON. RES. 70; REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 221 (f) DEFICIT-NEUTRAL RESERVE FUND TO PROVIDE ECONOMIC RELIEF FOR AMERICAN FAMILIES AND SECTION 227 DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE AMERICAS HEALTH—Continued

[In millions of dollars]

FY 2009–2013 Budget Authority	−3,859
FY 2009–2013 Outlays	−2,070
Revised Allocation to Senate Finance Committee	
FY 2008 Budget Authority	1,102,801
FY 2008 Outlays	1,104,781
FY 2009 Budget Authority	1,092,354
FY 2009 Outlays	1,093,724
FY 2009–2013 Budget Authority	6,161,697
FY 2009–2013 Outlays	6,170,295

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Madam President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering over 1,000, are heartbreaking and touching. To respect their efforts, I am submitting every e-mail sent to me through energy_prices@crapo.senate.gov to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Senator Crapo, Thank you so much for all you are doing for the citizens in Idaho. Most of all, thank you for your assistance with my disability issues. I would like to share my story. I have been a Registered Nurse for 28 years working fulltime and overtime. In 2005, I developed some heart issues, but, at that time, was able to return to work. In August 2007, the heart condition deteriorated to the point I can now no longer work. I have been denied disability twice thus far. My physician has wanted me to attend cardiac rehabilitation, which we do not have available in Lewiston or Clarkston. The nearest is Moscow, Idaho, 30 miles away. Due to being turned down on disability and the rising cost of gasoline, I can no longer afford to drive to Moscow for the cardiac rehabilitation I need.

Thank you again. You truly seem to care more about your constituents than any other legislator I have ever encountered. I will be campaigning very strongly for you when the time comes.

JOY, *Lewiston*.

Senator, fuel is a big issue here in Idaho. As a lifelong Republican, I am wondering why, after six years with a Republican President, Senate and House, nothing was done then. What we are seeing now is a result from a lack of activity back then. I watched Bill Gates and the oil company execs totally dominate our Congressional folks. You have authorized spending billions for Iraq, but did nothing to promote hydrogen fuel cell development here. I think you are pandering to the oil companies. It is said that fuel for the hydrogen vehicles would be too hard to dispense. Why not use it for schools where the vehicles could be fueled at the home base? We burn literally hundreds of thousands of gallons of fuel a year just in our local school districts. When you decide to act for the ''real'' future, then we will support you. At this house, Obama is looking better and better every day. Obama has earned his way this far. McCain has no answers other than a few pennies off the gas tax. Get real, Senator.

CHARLIE, *Caldwell*.

You asked what these fuel prices are doing to us. I live on a fixed income of $650.00 a month, pay $450 a month just for rent. So guess what? By the time you buy food, it is gone and I cannot afford to drive 80 miles a day and make $7.00 an hour. I would spend it all just for gas, but I'm sure everybody else is in the same boat. But thanks for listening to an old man moan. I used to like to go fishing sometimes, but not this year, I guess. Thanks again.

MARCELLUS, *Rupert*.

Senator Crapo, I would love to share my story with you. I have a small business that takes me out of state a lot. I work on X-ray machines in hospitals around the country. It has gotten to where most hospitals cannot afford to replace their equipment, and my prices are going up due to travel. The higher my prices go, the less work I get due to short budgets, and so on. It has gotten to the point that I only have one job scheduled so far this year. I do not know how I am going to stay in business much longer.

I cannot understand how Congress can sit on their butts and say we cannot pump our own oil due to environmental concerns while China pumps 50 miles off of our cost. It is time we put the few liberals in their place and start taking care of our own before we have our own revolution, and the people take back our country from the do nothing government. I hope you act fast.

TODD.

Mike, Thank you for the opportunity to share my views on the energy crises.

First of all, I think the ethanol program is the biggest boondoggle the United States has ever supported. It takes almost as much energy to produce a gallon of ethanol as the gallon gives back. It cost more per gallon than gasoline, and gives far fewer miles per gallon than gasoline. It takes the food away from the livestock and poultry that we need to eat, or at least makes the feed for them more expensive. Are we not going backwards here?

I fully support nuclear energy. It is the only way to go for dependable electrical power generation. Unlike coal and natural gas, there is no fuel to mine or drill for, no transportation cost for that fuel and no air pollution resulting from burning that fuel.

Wind power electrical generation is a fine resource to pursue. It is very valuable in reducing the electrical load on the base loaded electrical generators. The more we can reduce the load on the base generators, the more energy we save.

We also need to expand our domestic oil production. We need to drill and get into production, ANWR in northeast Alaska. We need to get this done before Prudoe Bay is depleted so we can utilize the existing Trans-Alaska pipeline. If I recall correctly, that pipeline and all related equipment has to be removed once it becomes inactive.

While on the subject of Alaska, I understand that some of the contention of the Iraqi people is how to divide up their oil wealth. How about looking at the system the

state of Alaska uses to divide up their oil wealth? Every man, women and child receives a check for the same amount as everyone else. The oil fund is inflation-proofed before the amount of the checks is determined. Why do people think they always need to reinvent the wheel? Alaska's system is fair, simple and it works.

With the profits the oil companies are reporting, I see no need for tax credits for any oil company. If they cannot get done what they need to do with those kinds of profits, the tax credits are not going to make the difference. I really think it is time for the oil companies to be subject to a pricing commission, like the electrical utilities are, only on the federal level. Other commodity producers that produce things that the people of the United States have to have are subject to pricing commissions i.e. Public Utilities Commissions, why not the oil companies? The whole United States would grind to halt and a lot of our population would freeze to death in the winter without oil. I would say that constitutes a need for a product that should be subject to a pricing commission.

RUSS, *Payette.*

On a fixed income and maybe only a few years to live due to chronic asthma and advancing COPD, it is already making it hard—doctor appointments, and to go see and help my 93-year-old mother. I am 65 and have maybe 2 more years to live. What kind of quality of life can I expect with the price of gas going up so fast that before you can finish filling your car the station attendants are out changing the price of gas? This has happened twice in the last month. I have a 10-gallon tank and get 35 miles to the gallon on a 1988 Toyota Corolla. It takes about three tanks a month for all the running I have to do. It used to cost me $55.00 a month to fill car; now it cost $123.00 a month. If gas goes up to $7.00 a gallon, it will cost $210.00 a month just for gas. What do I do? Do I not eat so I can go to doctor's appointments or do I eat and die sooner because I cannot afford to put gas in my car? Thousands of people are in the same boat as I am—we either forget about health concerns or eating. I knew one lady a few miles from where I live that was shop lifting dog food and eating it just to survive. She has died now, but there is going to be a lot more of this going on. It is a shame that the Congress has not got off their butts and allowed more domestic drilling for oil in our country. We know where the oil is; let us get to drilling and tell the oil cartels to stuff it where the sun does not shine. Something else I do not understand is, the other day we drove to Salt Lake City and the refineries were not even working, there was no steam or smoke coming from the cracking towers. Come on—get this mess worked out. We are going to start dropping like sprayed flies out here if Congress does not do something.

RUSSELL, *Heyburn.*

Senator Crapo, A year ago I was spending around $85 a month for fuel; now my monthly costs are twice that! Thirty percent of the current cost for oil is due to speculation in the unregulated Wall Street venue; the Enron Loophole from 2001 allows this!! First, fix this problem! Next, higher fuel mileage per gallon in a shorter period of time needs to be mandated!! Third, a major emphasis on alternative renewable fuels; not more drilling in our country or off shore for oil and gas; including blowing the tops off of mountains for coal!! In addition, no more nuclear reactors as they use too much water and generate radioactive waste that lasts for hundreds of years!! We can do this and most Idahoans and Americans are demanding such a plan from our government leadership! Brazil did it in five years and are we any less capable than they are? I think not! You Republicans, especially, are under too much influence by the oil, gas and coal companies to continue doing business as usual!! We need truly green changes in our country, not more of the same.

JOY, *Hayden.*

I, like most Americans, have been affected by the rising fuel prices. My budget cannot sustain the $60 per tank cost to fill my car with gas. Instead of sitting back and complaining about high gas prices, I have chosen to find alternate forms of transportation whenever possible. I ride my bicycle to work every day, and use the public transportation and carpooling whenever possible for longer trips. When I am conscious of my transportation choices, I can make a tank of gas last a month.

Our country needs to step up and take responsibility for our energy choices. We need to become less dependent on foreign oil, yes; but we need to do so by changing the root of the problem instead of implementing a temporary band-aid on our problems by drilling for oil in our country's pristine and sensitive environmental areas. We need to concentrate our resources on developing cleaner energy rather than looking for ways to sustain our irresponsible use of energy. Better public transportation options, fuel conservation incentives, and increased research and investment in cleaner energy are the sustainable answers. Drilling in ANWR is not. The change will be a bit painful in the short term, but we need to have the foresight as a country to understand that long term solutions are the right ones.

Sincerely,

ROSS.

My son-in-law works for a large gas station corporation, routing trucks to different stations and flies almost weekly to Houston and Atlanta and says THERE IS NO GAS SHORTAGE, just manipulation. Please tell people the truth about the oil and gas reserves we could have available (example: South Dakota, etc.). Our story personally: We live in a rural area, 13 miles from the nearest town and 2 hours from a city big enough to purchase from larger retailers. Our fuel cost is $35.00 to go to WalMart, round trip! We recently purchased an economy car (that we couldn't really afford), and now the trip will cost around $20. This is if fuel stays at $4. Our daughter has Prader-Willi Syndrome, and we travel 2–4–8 hours one way for medical appointments about eight times a year. We do not feel the ten cents a mile from Medicaid is worth the hassle for reimbursement. We are drowning in fuel extortion costs. Must we be forced to move from a rural setting to the city? Please help.

MARGARET.

Senator Crapo, I want to thank you for taking the initiative on helping Idahoans with the increasing energy costs. I am fortunate enough to only have a two-mile commute to and from work, but I have still noticed a considerable change in the fuel cost's impact on my finances.

I was recently in Salt Lake City where I stopped at a gas station to fill up. I noticed a different-looking pump there which said ''natural gas'' on it. I had never seen such an option at a fueling station before. Just as I was in awe at the different option, a gentleman drove up in a vehicle and began filling up with this natural gas pump. I struck up a conversation with this man and discovered that natural gas is a growing phenomenon in vehicles there in the Salt Lake City area. The car prices are very similar to those of petroleum fueled vehicles, but the cost of natural gas was about 63 cents per gallon versus the $4 I was paying. This experience, of course, made me consider other fueling options.

I know that there are many alternatives to using gasoline to power vehicles such as natural gas, electric, water, and others. Granted, some of these options are not feasible to implement in Idaho. Is it possible to make natural gas an option in this area? I do not know if it is legislation that drives such changes, but I, for one, am ready for some feasible alternatives. I am considering getting a Segue or a GEM (global electric motorcar) as an alternative to relying upon gas powered vehicles. I would appreciate any help in this area, or other incentives to alternative power options for the home. Thank you again for your help on our behalf. Let me know if I can help in any other way.

SETH.

Dear Senator Crapo: Regarding energy prices. We drive less, plan our trips to town with lists, etc. so we know exactly where we are going and in what order to make our trips more efficient. We will not be taking a vacation this year. We will be forced to sell (or give away) our livestock because we cannot afford to pay the price of hay to sustain them over the winter. We will have to buy a different furnace as our current one is oil, or turn down the heat to 55 degrees most of the winter and bundle up (which is what we did last winter).

I do not like government intervention, but some tax credits for alternative energy sources would be nice—credits for wind power, solar power; both of which are in plentiful supply in Idaho. The state government could do a lot to encourage alternative energy sources as well. We all agree that we need to use alternatives, but no one wants a wind generator in their neighborhood. What is wrong with us? Can we not see the future benefits versus our temporary eye appeal?

Also, the government could give some large tax incentives to encourage recycling of plastics, which to my understanding, use over twice the percentage of our oil imports than the manufacture of gasoline. In Texas, the Texas Disposal Company has a recycling center set up in a lot next to the local post office in Alpine (population 6,500) every Saturday. They take all kinds of newspaper, magazines, junk mail, plastics, metal cans, etc. There was even a man who brought his pickup truck down every week to collect glass for recycling. The cost of transporting all of this recycling in Texas would be greater than in Idaho, so why cannot we do that here? Or nationwide?

I noticed in Costco the last few weeks that each swimsuit is set up on these clear plastic molded sheets, which are then stacked one on top of the other. We are overusing plastic! All of this ends up as waste in our landfills. Encouraging a national recycling program would do many positive things, less oil imports would be the biggest and then less waste in our landfills, a huge concern as well.

Seems to me that recycling and a greater usage of alternative energy sources is something that Republicans and Democrats, conservatives and liberals could and should agree upon.

Sincerely,

LISA.

I have four children, and my husband and I have good-paying jobs, probably better than most. We have a low debt load, have stayed away from credit cards and buy things when we have the money. We have never had a vacation in the 24 years that we've been married because we had other places that money needed to go.

Now, even though we have stayed out of debt and only have $3,000.00 left to pay on our car, we are afraid. Food prices have risen so that last year, my family of six was eating and maintaining a household on $300.00 per week, and that included gas for the drive my husband has to work. That budget has now increased to $500.00 per week.

My son, a second-year electrical engineering student at ISU, may not be able to go back to college this year because the gas to get there is just too much on top of the increased cost of tuition. My daughter, a senior this year, cannot get a job because the cost of driving to work would eat up her minimum wage paycheck.

Those of us who work hard, stay out of debt and invest our money in the American way of life are now told to move our money away from U.S. investments and go elsewhere where the economy is more stable, but what does that say about the country that we live in? We do not feel secure, we do not feel safe and we do not feel any comfort in the Senate, Congress or the Presidency. This is summer; when the demand for fuel goes up in the winter and we do not have enough money to pay for gas to go to work, let alone food for our children to eat, how are we going to keep warm or live? This winter, I think this country is going to see many people pushed to the brink of chaos because there is no other choice. Oil needs to be taken off the speculation market. This doesn't just affect our way of life here in the U.S.; it is also affecting world markets and food prices around the globe.

D.S., *Rigby*.

JOINT ISRAELI-PALESTINIAN VENTURE

Mr. LEVIN. Madam President, the New York Times recently published an article entitled ''Web Start-up a Joint Israeli-Palestinian Venture'' and, as the title suggests, it is a story about a group of Israeli and Palestinian entrepreneurs that have joined forces to start an internet business venture. Mr. President, I will ask to have the New York Times article printed in the RECORD. What is impressive about this story is that technology, in the form of Internet-based video teleconferencing, has been able to jump boundaries to allow people to work together while apart by enabling this business, G.ho.st, to use the Internet to complete many of the day-to-day tasks that ordinarily require actual face-to-face contact. More importantly, this business venture is yet another example of the good will that exists on both sides of the Israeli-Palestinian divide.

In March 2005, I had the opportunity to travel with six Michiganders, three Palestinian-Americans and three Jewish-Americans, to Israel and the Palestinian territories to study the possibility of joint Israeli-Palestinian business ventures. During this visit, we met with entrepreneurs active in a full range of industries, from agriculture to textiles to software development to manufacturing. While these joint business ventures cannot make peace, they do help foster good will, and they demonstrate the potential for effective, economic coexistence if a final peace agreement can be reached.

More recently, during a trip to Israel to present the Senate resolution commemorating the 60th anniversary of the State of Israel, I learned of what I hope will be a major joint economic venture. During my meeting with President Shimon Peres, I learned about the Valley of Peace Initiative, a large-scale undertaking to construct a tourism corridor. The Valley of Peace is envisioned to stretch over the 500 kilometers along the Israeli-Jordanian border, from the Red Sea to the Yarmuk River. Under the current plan, the Valley of Peace initiative includes several projects, ranging from a water conduit connecting the Red Sea and the Dead Sea in an attempt to prevent the latter from drying up, to an Israeli-Jordanian airport near Eilat and Aqaba, to a connection of the Jordanian and Israeli railway systems and a mutual Israeli-Palestinian Authority industrial zone. While the initiative is still in the idea stage, it could offer a major opportunity for joint economic cooperation between Israelis, Palestinians, and, in this case, Jordanians.

Employment and economic growth are critical to fostering stability for Israelis and Palestinians alike. G.ho.st is another example of a promising partnership that can benefit the region in ways that surpass the positive economic impact. Should their business model prove to be a success, it would bode well for building additional partnerships and fostering further much-needed goodwill in the region.

Madam President, I ask unanimous consent to have The New York Times article to which I referred printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 29, 2008]

ISRAELIS AND PALESTINIANS LAUNCH WEB START-UP

(By Dina Kraft)

RAMALLAH, WEST BANK.—Nibbling doughnuts and wrestling with computer code, the workers at G.ho.st, an Internet start-up here, are holding their weekly staff meeting—with colleagues on the other side of the Israeli-Palestinian divide.

They trade ideas through a video hookup that connects the West Bank office with one in Israel in the first joint technology venture of its kind between Israelis and Palestinians.

''Start with the optimistic parts, Mustafa,'' Gilad Parann-Nissany, an Israeli who is vice president for research and development, jokes with a Palestinian colleague who is giving a progress report. Both conference rooms break into laughter.

The goal of G.ho.st is not as lofty as peace, although its founders and employees do hope to encourage it. Instead G.ho.st wants to give users a free, Web-based virtual computer that lets them access their desktop and files from any computer with an Internet connection. G.ho.st, pronounced ''ghost,'' is short for Global Hosted Operating System.

''Ghosts go through walls,'' said Zvi Schreiber, the company's British-born Israeli chief executive, by way of explanation. A test version of the service is available now, and an official introduction is scheduled for Halloween.

The Palestinian office in Ramallah, with about 35 software developers, is responsible for most of the research and programming. A smaller Israeli team works about 13 miles away in the central Israeli town of Modiin.

The stretch of road separating the offices is broken up by checkpoints, watch towers and a barrier made of chain-link fence and, in some areas, soaring concrete walls, built by Israel with the stated goal of preventing the entry of Palestinian suicide bombers.

Palestinian employees need permits from the Israeli army to enter Israel and attend meetings in Modiin, and Israelis are forbidden by their own government from entering Palestinian cities.

When permits cannot be arranged but meetings in person are necessary, colleagues gather at a rundown coffee shop on a desert road frequented by camels and Bedouin shepherds near Jericho, an area legally open to both sides.

Dr. Schreiber, an entrepreneur who has already built and sold two other start-ups, said he wanted to create G.ho.st after seeing the power of software running on the Web. He said he thought it was time to merge his technological and commercial ambitions with his social ones and create a business with Palestinians.

''I felt the ultimate goal was to offer every human being a computing environment which is free, and which is not tied to any physical hardware but exists on the Web,'' he said. The idea, he said, was to create a home for all of a user's online files and storage in the form of a virtual PC.

Instead of creating its own Web-based software, the company taps into existing services like Google Docs, Zoho and Flickr and integrates them into a single online computing system.

G.ho.st also has a philanthropic component: a foundation that aims to establish community computer centers in Ramallah and in mixed Jewish-Arab towns in Israel. The foundation is headed by Noa Rothman, the granddaughter of Yitzhak Rabin, the Israeli prime minister slain in 1995.

''It's the first time I met Palestinians of my generation face to face,'' said Ms. Rothman, 31, of her work with G.ho.st. She said she was moved by how easily everyone got along. ''It shows how on the people-to-people level you can really get things done.''

Investors have put $2.5 million into the company so far, a modest amount. Employing Palestinians means the money goes farther; salaries for Palestinian programmers are about a third of what they are in Israel.

But Dr. Schreiber, who initially teamed up with Tareq Maayah, a Palestinian businessman, to start the Ramallah office, insists this is not just another example of outsourcing.

''We are one team, employed by the same company, and everyone has shares in the company,'' he said.

At G.ho.st's offices in Ramallah, in a stone-faced building with black reflective glass perched on a hill in the city's business district, employees say they feel part of an intensive group effort to create something groundbreaking. Among them are top young Palestinian programmers and engineers, recruited in some cases directly from universities.

The chance to gain experience in creating a product for the international market—a first for the small Palestinian technology community—means politics take a backseat to business, said Yusef Ghandour, a project manager.

''It's good we are learning from the Israeli side now,'' Mr. Ghandour said. The Israelis, he said, ''are open to the external world, and there is lots of venture capital investment in Israel, and now we are bringing that to Palestine.''

The departure of educated young people mostly to neighboring Jordan and the Persian Gulf states is a major problem for the

Palestinian economy and has been especially damaging to its technology industry. Since the Oslo peace process broke down in 2000, a wave of Israeli-Palestinian business ties have crumbled as well.

Political tensions make it somewhat unpopular for Palestinians to do business with Israelis, said Ala Alaeddin, chairman of the Palestinian Information Technology Association. He said the concept of a technology joint venture across the divide was unheard-of until G.ho.st opened its doors. A handful of Palestinian tech companies handle outsourced work for Israeli companies, but most focus on the local or Middle Eastern market.

''It's much easier to have outsourcing than a partnership,'' Mr. Alaeddin said. ''A joint venture is a long-term commitment, and you need both sides to be really confident that this kind of agreement will work.''

Benchmark Capital, a Silicon Valley venture capital firm with offices in Israel, invested $2 million in G.ho.st. Michael Eisenberg, a general partner at the firm, said Benchmark was ''in the business of risky investments,'' but that G.ho.st presented entirely new territory.

Recalling his discussions with Dr. Schreiber, Mr. Eisenberg said: ''Frankly, when he first told me about it I thought it was ambitious, maybe overly ambitious. But Zvi is a remarkable entrepreneur, and I started to feel he could actually pull this off.''

The video hookup runs continuously between the offices. Chatting in the Ramallah conference room, two Palestinian programmers wave hello to Israeli colleagues conferring over a laptop in the Modiin office.

''We are doing something across cultures and across two sides of a tough conflict,'' Dr. Schreiber said. ''I was prepared for the possibility that it might be difficult, but it hasn't been.''

ADDITIONAL STATEMENTS

EAGLE'S STORE 100TH ANNIVERSARY

• Mr. BAUCUS. Madam President, there is a little general store in West Yellowstone, MT, that has been there for 100 years. Built in 1908 when only the bravest and most determined Americans were settling the West and the State of Montana was barely 20 years old, Sam and Ida Eagle set up shop.

When Sam and Ida Eagle established Eagle's Store just outside Yellowstone Park's west entrance, they were also establishing, along with three other families, the town that we now call West Yellowstone, MT. The Eagles spent their lives in the town they helped found. They raised a family of 10 children, built their business and played a pioneering role in the community.

Sam served as the postmaster for 25 years and helped create the West Yellowstone airport. He also led the town's struggle to gain title to the properties they had settled.

The Eagle family still owns and operates Eagle's Store today on the land their ancestors received as a Presidential land grant, in a vintage store on the National Register of Historic Places.

A lot has happened in these last 100 years, and Sam and Ida Eagle and their neighbors probably could not have imagined some of the luxuries we take for granted today—coast to coast flights, television, or the Internet.

Our world is still changing, but we have got to make sure we are doing what is right for small towns everywhere. Creating good paying jobs, keeping our economy strong, and ensuring the vitality of places like West Yellowstone, is essential to who we are as Americans.

Of course, some things have not changed all that much in West Yellowstone. The sense of community, the small town values, and the commitment to a job well done still radiate from West Yellowstone's residents. They are timeless qualities still apparent everywhere around town, and they represent the very best of America.•

CONGRATULATING LEWIS-CLARK STATE COLLEGE

• Mr. CRAIG. Madam President, today I honor and congratulate one of the most successful athletic programs in the Nation that few people outside of my home State know about: The Lewis-Clark State College baseball team of Lewiston, ID.

This year, head coach Ed Cheff led the LCSC Warriors to yet another NAIA World Series championship. This year's victory makes three championships in a row for the Warriors and 16 overall, all coming in the last 25 years. Those 16 titles are far and away the most in NAIA history, with the second place school having just four.

Despite having only 3,500 students, Lewis-Clark has grown into a national baseball powerhouse under Coach Cheff's tutelage. Since Coach Cheff took over in 1977, the Warriors have put together a winning percentage of 79.8 percent. This year's 58–6 record is the latest and greatest example of his leadership.

And this success isn't just by smaller school, NAIA standards; more than a hundred of Coach Cheff's players have gone on to be drafted by Major League Baseball teams, including four this year.

Idaho does not have a franchise in any of the major sports leagues. We are known for potatoes, not winning championships. But thanks to Lewis-Clark State College baseball—and another successful Idaho college program, Boise State Bronco football—that is changing. LCSC baseball has given Idahoans a team that we can hang our hat on and be proud to call our own.

While sports are perhaps the quickest way for a school to capture headlines, a college or university can thrive only with sustained, high-quality education. Athletics alone do not make a school. The classroom must always be the foundation, and Idaho schools—from Lewis-Clark to Boise State to my alma mater, the University of Idaho—are all institutions of exceptional academic quality.

Madam President, I am proud to see more young Idahoans enjoying success, and I wanted the Senate to be aware of the achievements of the Warrior baseball team. Congratulations to Coach Cheff's team once again.•

TRIBUTE TO GEN T. MICHAEL MOSELEY

• Mr. INHOFE. Madam President, today I pay special tribute to GEN T. Michael Moseley, 18th Chief of Staff of the U.S. Air Force, who, completed 37 years of distinguished service to our Nation today. He is an exemplary patriot, extraordinary leader, and a close friend.

General Moseley began his accomplished career at Texas A&M and Webb AFB, where he earned his pilot's wings in 1973. He proceeded to a series of demanding assignments as flight instructor, test pilot and mission commander. His peerless operational skills were honed by the most prestigious positions, to include command at every level—most notably the Air Force Fighter Weapons School, the 9th Air Force, and the U.S. Central Command Air Forces. General Moseley led Airmen in peace, crisis and war—from Operation Southern Watch, through the harrowing days in the wake of 9/11, to victory over the Taliban in Operation Enduring Freedom and the destruction of Saddam Hussein's war machine in Operation Iraqi Freedom.

The breadth and depth of General Moseley's assignments and the professionalism with which he has carried them out, reflect a keen intellect, and an unrivaled grasp of national security policies and air power's role in implementing them. General Moseley tirelessly worked to reinvigorate the innovation, flexibility, creativity, and strategic thinking that have been hallmarks of America's Airmen since the dawn of aviation. In this context, General Moseley redefined the Air Force for the 21st Century, ensuring that America's guardians will continue to fly, fight and win in both today's and tomorrow's conflicts.

General Moseley has frequently testified before Congress on a wide variety of issues critical not only to the Air Force but to this Nation and its ability to meet uncertain challenges in the future. However controversial the topic or pointed the questioning, he has always provided the Members with his honest evaluation, balancing current crises with future requirements. I have been impressed by his unwavering focus on this Nation's security and ensuring that the U.S. Air Force remains the preeminent Air Force in the world, preserving America's asymmetric advantage in the air.

It was General Moseley's exceptional grasp of warfighters' needs, born of his own combatant experience, that enabled the Air Force to provide unprecedented Global Reach, Global Vigilance and Global Power for both traditional and nontraditional missions. Under his

leadership, the Air Force spread its wings over America's cities, delivered relief to victims of tsunamis and hurricanes, expanded international ties to reassure allies and deter enemies—all while flying and fighting as an indispensable part of the Joint force in Iraq, Afghanistan and other theaters of the global war on terror.

His commitment to his Airmen has been peerless. In a constrained fiscal environment—and with lives in the balance—General Moseley's uncommon courage, expertise and foresight forged a set of initiatives transforming the Air Force while simultaneously recapitalizing an aging air fleet, worn down by 18 years of continuous combat. He sought to provide his Airmen with the quality of life they deserve, while seeing to their training, education and leadership. He has refocused the Service on a single core mission: bolstering warrior ethos and fostering joint and combined synergies.

While many distinguished awards and decorations adorn his uniform—from his own grateful Nation as well as from such staunch allies as Britain, France, Korea, Brazil, Singapore, and the UAE—what stands out most and what we honor him for today is his unflinching commitment to the cause of freedom and justice. As the 18th Chief of Staff and a member of the Joint Chiefs of Staff from September 2005 to August 2008, General Moseley has been a trusted advisor on all aspects of airpower and its key role in promoting and defending America's interests at home and abroad. He remains to this day a staunch and consistent advocate of inter-Service and international cooperation as the most effective way of assuring allies, dissuading and deterring adversaries, and defeating implacable foes.

General T. Michael ''Buzz'' Moseley's 37 years of distinguished service epitomizes bold leadership, strategic vision, intellectual flexibility, innovation, honor, integrity, dignity and selfless devotion. He has earned the deepest respect from all whom he has served during his illustrious career—most notably this Congress and a grateful Nation.

I offer my sincere thanks and appreciation to GEN Buzz Moseley for his leadership, compassion, and service to the men and women of the Air Force and our country. I am honored to call you friend and pray that the Lord guard and guide you and your family as you begin the next chapter of your life.●

TRIBUTE TO COL DONALD A. PERSON

● Mr. INOUYE. Madam President, I would like to recognize a great American and true military hero who has honorably served our country for 49 years.

Colonel Person was born in Fargo, ND, and entered the Army as part of the ''Doctor Draft'' in 1964 after earning his MD from the University of Minnesota School of Medicine. He served as Chief, Preventive Medicine, Professional Standards, and Aviation Medicine, Headquarters, U.S. Army Southern Command and Officer in Charge of U.S. Army Dispensary, Fort Clayton, Panama. For the next 20 years, Dr. Person remained active in the U.S. Army Reserve. During that time, he completed neurosurgical training, and a postdoctoral fellowship in microbiology, immunochemistry, and virology at the Mayo Clinic in Rochester, MN. Subsequently he served on the faculty in internal medicine and virology and epidemiology at Baylor College of Medicine in Houston, TX. He also trained in pediatrics while at Baylor.

Colonel Person reinterred active duty in 1987 and was assigned as chief and program director in pediatrics, and chief, department of clinical investigation at Tripler Army Medical Center. He has 265 publications in the medical literature and has spoken at more than 400 meetings and seminars throughout the world. He is also a member of 60 medical, scientific, and professional organizations. He deployed to much of Central and South America, Alaska, Papau New Guinea, the Republic of the Maldives, South Korea, Micronesia, and served in Operation Desert Storm.

Additionally, Colonel Person was professor of clinical pediatrics and clinical public health, John A. Burns School of Medicine, University of Hawaii at Manoa. For his leadership in the development and sustainment of the Pacific Island Health Care Project, he was recognized by the Pacific Basin Medical Association by the indigenous people of the U.S. Associated Pacific Islands and by the legislatures of the Republic of Palau, the Federated States of Micronesia and the Republic of the Marshall Islands.

Throughout his career COL Donald A. Person has served with valor and profoundly impacted the entire Army Medical Department. His performance reflects exceptionally on himself, the U.S. Army, the Department of Defense, and the United States of America. I extend my deepest appreciation to Colonel Person on behalf of a grateful Nation for his more than 49 years of dedicated military service.●

100TH ANNIVERSARY OF SMART MOTORS, INC.

● Mr. KOHL. Madam President, I would like to acknowledge the 100th anniversary of Smart Motors, Inc., a family-owned business in Madison, WI. Smart Motors, Inc. began in 1908 when founder O.D. Smart sold his first car, an Apperson-Jackrabbit. A far cry from today's complex automobile business, the operation O.D. began was very straightforward—involving little more than a handshake, a cash payment and a bill of sale.

Since those early days, Smart Motors has successfully added services such as finance and insurance as well as a service and parts department to satisfy their customers and to remain competitive in today's competitive car sales industry.

Madam President, 2008 marks a milestone for Smart Motors which not even O.D. Smart could have anticipated when he made his first car sale in 1908. But his guiding principle to ''treat people with respect, honesty, equality, and integrity'' has served the company well. I am proud to have such a hard-working and respected family business in Wisconsin. I congratulate their high level of performance over the past 100 years and wish them all the best as they enter their second century of business.●

U.S. MATHEMATICAL OLYMPIAD

● Mr. LEAHY. Madam President, I would like to pay tribute to two outstanding Vermont students, Colin Sandon, of Essex, and David Rolnick, of Rupert. These two high school students both placed in the top 12 finishers in this country's highest precollegiate math competition, the U.S. Mathematical Olympiad, which took place in May. In the 34-year history of the Olympiad, this is the first time any Vermonter has made it this far and this year my state had two students accomplish this incredible achievement.

Colin and David, at the ages of 18 and 16 respectively, have been preparing to compete at this level of mathematical competition their entire educational careers. They have achieved this goal through their own hard work and perseverance, and also through the support of their parents and teachers. David benefited from being homeschooled by his parents. The Vermont State Math Coalition identified Colin in the first grade, and he began tutoring outside of the classroom by engineers and physicists at IBM. Three years ago, he began taking high-level math classes at the University of Vermont.

Both students have also benefited from the dedication of Anthony Trono, who retired from teaching at Burlington High School in 1992, but has played a key role in training Vermont's talented math students. Anthony directs the Governor's Institute in Mathematical Sciences, a week-long residential program for students held every year at the University of Vermont that both Colin and David attended. Anthony also runs the Vermont State Mathematics Coalition Talent Search. He will retire this year and Colin and David's success this year is a testament to the many years he has invested in Vermont's students.

This month, Colin will compete on a six-student team which will represent the U.S. in the 49th annual International Math Olympiad. In the fall, both Colin and David will attend the Massachusetts Institute of Technology. I congratulate them and their families on their accomplishments and I wish

them the best of luck in what I am sure will be bright futures.

Madam President, I ask to have an article from the Burlington Free Press detailing their accomplishments be printed in the RECORD.

The material follows:

TWO REACH APEX IN MATH COMPETITION, ESSEX, RUPERT TEENS AMONG NATION'S BEST

(By Matt Ryan)

Six congruent circles are arranged inside a larger circle so that each small circle is tangent to two other small circles and is tangent to the large circle. The radius of the large circle is 2007 centimeters. Find the radius of the small circles.

For Colin Sandon of Essex and David Rolnick of Rupert, this problem was preparation for a series of increasingly selective math competitions. The two high schoolers placed in the Top 12—Sandon tied for first place—in the country's highest pre-collegiate math competition last week. They will try out in June for a national, six-person math team that will compete internationally in Madrid.

Sandon, 18, and Rolnick, 16, are the first Vermont students to place in the Top 12 at the U.S. Mathematical Olympiad in at least a decade, according to the Mathematical Association of America. Anthony Trono, who has been training Vermont's math prodigies since he retired from teaching at Burlington High School in 1992, said, as far as he knew, they were the state's first students to accomplish the feat. The Olympiad began in 1974.

Trono, 80, of Colchester conceived the sample problem above and provided The Burlington Free Press its solution: 669 centimeters. Four times a year, he mails a sample exam with eight such problems to Vermont's high schools to test the waters for up-and-coming whizzes. The problems, like those found on exams for the American Math Competition, the American Invitational Math Exam and the Olympiad—the three tiers of the national math tournament through which Sandon and Rolnick advanced—involve applications up to pre-calculus.

''Some of these problems aren't even algebra, it's just arithmetic, but you gotta use your head to solve them,'' Trono said. ''They usually have to prove something is true, derive some kind of formula, or solve a very, very complex problem.''

During the course of the tournament, the field narrowed from 500,000 students—including some from Canada—to the 500 who competed in the Olympiad.

Students in the competitions generally take the exams at their high schools. Sandon took his at Essex High School and Rolnick, who is homeschooled, took his at Middlebury College. Students were allotted 4 1/2 hours on two consecutive days to complete the Olympiad's six problems. The highest scorer, Sandon, a senior, and Rolnick, a junior, have been accepted to and plan to enroll at the Massachusetts Institute of Technology in the fall.

''I'm kind of nervous, because I've never been away from home for more than a month, and MIT will be my home for the next four years,'' Sandon said. ''On the other hand, I'll get to meet new people there and take more challenging classes.''

Sandon has sought more challenging classes since elementary school.

The Vermont State Math Coalition discovered Sandon when he was in first grade. Engineers and physicists from IBM tutored the boy for the next few years, as his capacity for math exceeded that of his teachers. He finished pre-calculus in sixth grade, and began taking courses at the University of Vermont three years ago. His course load includes calculus III, linear algebra, graph theory and number theory.

His goal was to crack the Top 12 in the Olympiad.

''I felt like I had done pretty well, but I didn't think I had done that well,'' Sandon said.

His parents, Peter and Maureen Sandon, an engineer at IBM and a retired home economics teacher, respectively, said the announcement surprised them, too.

''We had a message on our answering machine,'' Maureen Sandon said. ''I said, 'Wait a minute, what did this message say?' I must have replayed it three times.''

Peter Sandon said his son left him behind ''quite a while ago'' in math.

''I used to play chess with him, too, and I used to be able to beat him,'' Peter Sandon said. ''And now I can't.''

Colin Sandon said he enjoys strategy games, and also likes to read science fiction and fantasy.

THE RENAISSANCE MAN

Rolnick said he also enjoys strategy games—as well as hiking; tennis; word play; reading; writing; talking; listening to classical composers, such as Bach, Beethoven, Haydn, Schubert and Tchaikovsky; and studying moths.

Tiny white moths are boring, Rolnick said. He prefers the variety of larger moths with scarlets, violets, yellows, greens, silvers and golds.

''I have had the fortune to grow up in a household with parents who did not cause me to be afraid of insects,'' Rolnick said. He blasted the ''societal prejudice against insects'' that assumes all bugs ''bite, sting or eat furniture.''

Rolnick sees beauty in moths and math.

''Geometry I find easier to talk about,'' Rolnick said. ''I love the way that things that are true, really are true.''

''If you have a triangle, and you join the vertices to the midpoints of the opposite side, you come up with three lines. Those lines will come to a point—those three lines will always meet—and I find that very beautiful.''

Problem solving becomes increasingly important as students advance through the competitions, Rolnick said.

''For all the problems, there is a certain amount of thinking and puzzling that is absolutely necessary,'' Rolnick said.

''It is absolutely hard,'' he said of the Olympiad. ''It is meant to be hard, even for professional mathematicians.''

TRONO RETIRES

Sandon and Rolnick attended the Governor's Institute in Mathematical Sciences, a week-long residential program for students held at UVM during the summer.

Trono has directed the institute and run the Vermont State Mathematics Coalition Talent Search—for which he mails high schools his sample exams—since the early 1990s. He said he will retire from the institute this year.

''This has been a terrific year for me to go out,'' Trono said.

He said he has 10,000 ''super, very good problems''—those that did not make the cut for previous sample exams—to give his successors a head start.●

REMEMBERING ROBERT LEENEY

● Mr. LIEBERMAN. Madam President, New Haven has lost a friend, a neighbor, and a teacher, with the passing of Robert Leeney, the longtime editor of the New Haven Register. In his career at the Register, Bob informed, educated, and entertained us in many roles, including as an editorial writer, reporter, book editor, Broadway columnist, and theatre critic.

Bob's weekly column in the paper, the ''Editor's Note''—which he remarkably wrote from April 6, 1974 to April 7, 2007, without missing even a single week—was a must-read column that brightened up our Saturday mornings. Evident in his writing was his love of New Haven, often reminding us what we may have missed, and through him it is true to say that our love of New Haven increased.

In his columns, Bob rarely strayed from local nonpolitical topics, but when he did it was often to remind us about the greatness of our country, the value of service, or to urge politicians to look beyond partisan politics. And Bob always did this with a grace and delivery that ensured his words made their impact.

His writing often brought to life, and made us yearn for, an earlier age. In his last July 4th column, published on June 30, 2007, for instance, Bob wrote about the celebrations in the 1920s. It was a time, he wrote, when: ''In every family, the youngsters were chipping in long-saved nickels and dimes to build a fireworks fund for the front porch displays that illuminated streets and lawns, beaches and boat docks in salute to American independence and the personal freedom it signified for all the world.''

Just as Bob's professional life was marked by his scholarship and talented writing and reporting, his personal life, too, was marked by his dedication to New Haven and to his being the consummate gentleman. His service to our community did not end with his journalism, and in his spare time he served our community in many roles. Indeed, his life was twinned with that of New Haven, especially in its artistic and religious life.

To give just a few examples of his extensive public service, Bob served as vice president of the New Haven Arts Council and on the city committee that worked to reopen the Shubert. Once the theatre was reopened, he served on its board.

His interests and service was not limited to the arts. Bob served as a director of the Greater New Haven Chamber of Commerce and was a member of the State Education Commission's Connecticut Education Council. He also sat on the committee tasked with establishing a Holocaust memorial, as well as on other committees.

Bob was a religious man, and in recognition for his service to the Catholic Church, Pope John Paul II appointed him a Knight of St. Gregory. Bob also received numerous other awards, including Connecticut Anti-Defamation League's First Amendment Freedoms Award—of which he was the first ever recipient.

It can be said about Bob that he left our society better off for the wisdom

and humanity he taught us both in his writings, in his personal life of honor, and in his public service.

Bob's wife Anne passed away in 1990, and I remember him writing that after she died he went to bed and ''touched the pillow where the moonlight and the memory fused and whispered, 'Much ado about nothing, old girl'—and went to sleep.'' Hadassah and I extend our condolences to his family, the Register, and the entire community. We will miss you, Bob.●

RECOGNIZING NATIONAL LIFE GROUP OF VERMONT

● Mr. SANDERS. Madam President, I would like to recognize the National Life Group of Vermont for the impact this company is having in the field of renewable energy, energy efficiency, and environmental stewardship in my State of Vermont. National Life, a Fortune 1000 financial services and insurance firm based in Montpelier, is actively moving forward with a significant solar project at its headquarters.

National Life announced in May that it will install 240 300-watt solar panels on the roof of its Montpelier headquarters. This will be one of the largest, if not the largest, solar electric installations in Vermont. The solar panels are expected to be installed and running by September, and they estimate that the system will generate 77,767 kilowatt-hours a year. The 72 kW Photovoltaic, PV, system will generate enough electricity to power 13 average Vermont homes.

The $500,000 project will be financed in part through a $200,000 grant from the State of Vermont's Clean Energy Development Fund, which is administered by the Department of Public Service.

National Life has contracted Solar Works of Montpelier to handle the installation. Solar Works is the leading solar electric systems provider in the Northeast.

National Life is also working on a separate proposal to install a solar hot water system at the building. Both solar projects are part of a larger plan, begun 5 years ago, to transform the company's Montpelier headquarters into a ''green'' campus. An important plan objective will be realized at the end of 2008, when the company expects to win a coveted LEED certification. LEED—Leadership in Energy and Environmental Design—is the nationally accepted benchmark for the design, construction, and operation of high-performance green buildings. Impressively, experts say LEED certification for National Life's headquarters would be the first for a 50-year-old facility anywhere in the Nation.

Tom MacLeay, the CEO of National Life, has driven this entire green initiative. A Vermont native who has worked at National Life for 32 years, Tom recently announced that he would be retiring at the end of this year. It is certainly worth noting that the company's commitment to environmental leadership is a testimony to his vision of the ways in which business can help achieve a secure environmental future for this Nation.

Solar is not the only area in which National Life has shown its environmental stewardship. Every 10 days National Life sends its shredded paper to Fairmont Farms, a dairy farm in East Montpelier, to be used as bedding for the cows and mixed into fertilizer for the fields. In 2007 they recycled 64 percent of their waste, including paper, plastic, shredded material, aluminum, metal, food composting, and computer equipment.

In 2007 National Life transformed the offices of its Human Resources Department into a showcase for leading-edge green technology, using carpet with no volatile organic compounds, VOC, occupancy sensors, glass walls and automatic window blinds that allow light to pass through while keeping the heat out in the summer and the cold out in the winter. The new lighting technology put in place at its headquarters—with fixtures that are 95 percent efficient compared to the 50-percent efficiency of existing fixtures—will cut the company's electric bill in half.

The company's Alternate Transportation Program offers incentives such as free bike tuneups, gas cards, free bus passes, and shoe discounts for those who carpool, bike, use bus service, or walk or run to and from work.

These accomplishments are not just environmentally sound, they illustrate smart business decisions. By reducing its greenhouse gas emissions, Vermont Life is cutting its electric bills and saving serious money too. And by pushing the boundaries of what can be done, it is setting an example for other companies.

What they are accomplishing with solar energy in Vermont, which is not a particularly sunny State, demonstrates what is possible to achieve right now if the will is there to carry it through.

Mr. President, I look forward to the day when renewable energy and conservation have become so commonplace in our society that they are no longer looked upon as being unusual or path-breaking but are seen as totally ordinary, a normal part of the landscape. When that day comes, and I believe that it will, we will be able to look back to a handful of environmentally aware companies, such as National Life, that helped show us the way toward our sustainable energy society.●

HONORING RAYE'S MUSTARD MILL

● Ms. SNOWE. Madam President, today I wish to recognize a small business from my home State of Maine whose roots spring from both our State's seafaring heritage and agricultural legacy. Raye's Mustard Mill in Eastport has long provided locals with the perfect condiment to top almost any meal from the once traditional sardine to the timeless summer classic of burgers and hot dogs.

Raye's Mustard, founded in 1900 by J. Wesley Raye, has been operating at its current location in Eastport, America's easternmost city, since 1903, when a young Wes Raye decided to move out of the family smokehouse and into a more commercially viable location. When the company's mustard was first produced, it provided the perfect complement to the sardines being caught and consumed by Maine fishermen. While times have changed, Raye's mustard has consistently remained a Maine culinary staple. It has continued to accompany new dishes while it is still made using many of the same techniques that Mr. Raye employed over 100 years ago. Indeed, Raye's is the only remaining traditional stone ground mustard mill in America, and the firm uses a time-honored cold grind method for preparing its product, slowly grinding mustard seeds and other ingredients together using massive pieces of stone.

Raye's distinctive technique has succeeded in producing numerous award-winning mustards that have been recognized by culinary organizations nationwide. Raye's 21 mustard varieties have been featured in publications, including ''Martha Stewart Living'' and ''Yankee Magazine.'' With varieties ranging from the Downeast Schooner, Raye's classic yellow mustard; to more innovative flavors, like the spicy Heavenly Jalapeno, the firm has managed to produce mustards to satisfy any palate. Furthermore, its special line of select mustards provide a hint of Maine in every jar, as the company has partnered with local restaurants and breweries to produce signature items such as Raye's Jameson Tavern Style and Raye's Sea Dog Beer Mustard.

While Raye's Mustard is sold in stores regionally and worldwide via the internet, just as unchanging as the mustard itself are the Mustard Mill and The Pantry Store, Raye's on-site retail location. In fact, in 2006, these Eastport institutions garnered the Maine Tourism Association's Down East and Acadia Regional Tourism Award. Tours of the mill give visitors the opportunity to learn about the history of one of the most universal food products in the world and to see first hand the valiant spirit and commitment to quality that have driven Raye's to the impressive heights that it has achieved.

In addition to the respect that I have for Raye's Mustard Mill as a small family-owned business, I also have a great personal esteem for its fourth generation of owners. I have long known Kevin and Karen Raye as friends and colleagues, and I have been particularly pleased to see the successes they have achieved since Kevin left Capitol Hill after serving as chief of staff for many years. It is with great admiration that I wish Raye's Mustard the

best of luck as it continues to excel at making distinct products that have earned accolades from discerning clients and culinary greats alike.●

MESSAGE FROM THE HOUSE

At 5:10 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1423. An act to authorize the Secretary of the Interior to enter into a partnership with the Porter County Convention, Recreation and Visitor Commission regarding the use of the Dorothy Buell Memorial Visitor Center as a visitor center for the Indiana Dunes National Lakeshore, and for other purposes.

H.R. 3981. An act to authorize the Preserve America Program and Save America's Treasures Program, and for other purposes.

H.R. 4199. An act to amend the Dayton Aviation Heritage Preservation Act of 1992 to add sites to the Dayton Aviation Heritage National Historical Park, and for other purposes.

H.R. 5741. An act to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks.

H.R. 5975. An act to designate the facility of the United States Postal Service located at 101 West Main Street in Waterville, New York, as the ''Cpl. John P. Sigsbee Post Office''.

H.R. 6092. An act to designate the facility of the United States Postal Service located at 101 Tallapoosa Street in Bremen, Georgia, as the ''Sergeant Paul Saylor Post Office Building''.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1423. An act to authorize the Secretary of the Interior to enter into a partnership with the Porter County Convention, Recreation and Visitor Commission regarding the use of the Dorothy Buell Memorial Visitor Center as a visitor center for the Indiana Dunes National Lakeshore, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4199. An act to amend the Dayton Aviation Heritage Preservation Act of 1992 to add sites to the Dayton Aviation Heritage National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 5741. An act to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks; to the Committee on Commerce, Science, and Transportation,

H.R. 5975. An act to designate the facility of the United States Postal Service located at 101 West Main Street in Waterville, New York, as the ''Cpl. John P. Sigsbee Post Office''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6092. An act to designate the facility of the United States Postal Service located at 101 Tallapoosa Street in Bremen, Georgia, as the ''Sergeant Paul Saylor Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3981. An act to authorize the Preserve America Program and Save America's Treasures Program, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3236. A bill to amend titles XVIII and XIX of the Social Security Act to extend provisions under Medicare and Medicaid programs, 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–7027. A communication from the Associate General Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Hospital Mortgage Insurance Program: Technical and Clarifying Amendments Final Rule'' ((RIN2502-AI22)(FR-4927-F-03)) received on July 7, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–7028. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (73 FR 35953) received on July 7, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–7029. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (73 FR 35958) received on July 7, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–7030. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' (73 FR 35077) received on July 2, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–7031. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (73 FR 35079) received on July 2, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–7032. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (73 FR 35083) received on July 2, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–7033. A communication from the Acting Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Implementation of the Understandings Reached at the April 2008 Australia Group Plenary Meeting; Additions to the List of States Parties to the Chemical Weapons Convention'' (RIN0694-AE36) received on July 8, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–7034. A communication from the Executive Vice President, Financial Information Group, Federal Home Loan Bank of Chicago, transmitting, pursuant to law, the Bank's management reports for fiscal year 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–7035. A communication from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a report entitled, ''2007 Status of U.S. Fisheries''; to the Committee on Commerce, Science, and Transportation.

EC–7036. A communication from the Deputy Assistant Administrator, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Implement Amendment 2 to the Consolidated Atlantic Highly Migratory Species Fishery Management Plan'' (RIN0648-AU89) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7037. A communication from the Assistant Bureau Chief, Enforcement Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 1.80(b) of the Commission's Rules: Adjustment of Forfeiture Maxima to Reflect Inflation'' (FCC 08-159) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7038. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Harper, Texas'' (MB Docket No. 07-211) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7039. A communication from the Deputy Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, Report and Order'' (FCC 08-147) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7040. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Dededo, Guam'' (MB Docket No. 08-12) received on July 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7041. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Scallop Dredge Exemption Areas; Addition of Monkfish Incidental Catch Trip Limits'' (RIN0648-AW31) received on July 2, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7042. 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 Economic Exclusive Zone Off Alaska; Deep-Water Species Fishery by Catcher Processor Rockfish Cooperatives in the Gulf of Alaska'' (RIN0648-XI39) received on July 2, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7043. 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; Northern Rockfish, Pacific Ocean Perch, and Pelagic Shelf Rockfish for Catcher Vessels Participating in the Limited Access Rockfish Fishery in the Central Regulatory Area of the Gulf of Alaska'' (RIN0648-XI37) received on July 2, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7044. A communication from the Acting General Counsel, Department of Commerce, transmitting a legislative proposal to reauthorize the National Sea Grant College Program Act; to the Committee on Commerce, Science, and Transportation.

EC–7045. A communication from the Assistant Secretary, Federal Maritime Commission, transmitting, pursuant to law, a report on the Commission's proposed systems of records subject to the Privacy Act; to the Committee on Commerce, Science, and Transportation.

EC–7046. A communication from the Chairman, Surface Transportation Board, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regulations Governing Fees for Services Performed in Connection with Licensing and Related Services—2008 Update'' (STB Ex Parte No. 542) received on July 2, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7047. A communication from General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Promotion of a More Efficient Capacity Release Market'' (RIN1902-AD48) received on July 2, 2008; to the Committee on Environment and Public Works.

EC–7048. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report on a feasibility study that was undertaken to evaluate flood damage reduction opportunities for the May Branch at Fort Smith, Arkansas; to the Committee on Environment and Public Works.

EC–7049. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Ammonium Soap Salts of Higher Fatty Acids (C8–C18 saturated; C8–C12) unsaturated; Exemption from the Requirement of Tolerance'' (FRL No. 8372–2) received on July 8, 2008; to the Committee on Environment and Public Works.

EC–7050. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Spirotetramat; Pesticide Tolerances'' (FRL No. 8367–1) received on July 8, 2008; to the Committee on Environment and Public Works.

EC–7051. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Northern Sierra Air Quality Management District, Including Nevada County Air Pollution Control District Portion, Plumas County Air Pollution Control District Portion, and Sierra County Air Pollution Control District Portion'' (FRL No. 8569–6) received on July 8 , 2008; to the Committee on Environment and Public Works.

EC–7052. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Gamma-Cyhalothrin; Pesticide Tolerances'' (FRL No. 8372–6) received on July 8, 2008; to the Committee on Environment and Public Works.

EC–7053. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plants; Texas; Control of Air Pollution from Volatile Organic Compounds'' (FRL No. 8689–7) received on July 8, 2008; to the Committee on Environment and Public Works.

EC–7054. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Azocystrobin; Pesticide Tolerances'' (FRL No. 8371–9) received on July 8, 2008; to the Committee on Environment and Public Works.

EC–7055. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Sethoxydim; Pesticide Tolerances'' (FRL No. 8370–9) received on July 8, 2008; to the Committee on Environment and Public Works.

EC–7056. A communication from the Administrator, Environmental Protection Agency, transmitting a legislative proposal to implement an important new treaty for the protection of aquatic life and the marine environment; to the Committee on Environment and Public Works.

EC–7057. A communication from the Administrator, Environmental Protection Agency, transmitting a legislative proposal to implement a treaty on the protection of the world's oceans from ocean dumping; to the Committee on Environment and Public Works.

EC–7058. A communication from the Secretary, Department of Transportation, transmitting, pursuant to law, a report on the Safe, Accountable, Flexible, Efficient Transportation Equity Act; to the Committee on Environment and Public Works.

EC–7059. A communication from Chairman, Nuclear Regulatory Commission, transmitting proposed legislation which authorizes appropriations fiscal year 2009; to the Committee on Environment and Public Works.

EC–7060. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Auction Rate Preferred Stock—Effect of Liquidity Facilities on Equity Character'' (Notice 2008–55) received on July 7, 2008; to the Committee on Finance.

EC–7061. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Modifications to Subpart F Treatment of Aircraft and Vessel Leasing Income'' ((RIN1545–BH03)(TD 9406)) received on July 8, 2008; to the Committee on Finance.

EC–7062. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revised Coordinated Issue: Employee Tool and Equipment Plans'' (LMSB–04–0608–037) received on July 8, 2008; to the Committee on Finance.

EC–7063. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Relief from Certain Low-Income Housing Credit Requirements Due to Severe Storms, Tornadoes, and Flooding in Wisconsin'' (Notice 2008–61) received on July 8, 2008; to the Committee on Finance.

EC–7064. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Relief from Certain Low-Income Housing Credit Requirements Due to Severe Storms, Tornadoes, and Flooding in Iowa'' (Notice 2008–58) received on July 8, 2008; to the Committee on Finance.

EC–7065. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Relief from Certain Low-Income Housing Credit Requirements Due to Severe Storms and Flooding in Indiana'' (Notice 2008–56) received on July 8, 2008; to the Committee on Finance.

EC–7066. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Update to Revenue Procedure 2008–12'' (Rev. Proc. 2008–35) received on July 8, 2008; to the Committee on Finance.

EC–7067. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Puerto Rican Plans'' (Rev. Rul. 2008–40) received on July 8, 2008; to the Committee on Finance.

EC–7068. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Interim Guidance on the Application of Section 457(f) to Certain Recurring Part-Year Compensation'' (Notice 2008–62) received on July 8, 2008; to the Committee on Finance.

EC–7069. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Amendments to the Section 7216 Regulations—Disclosure or Use of Information by Preparers of Returns'' ((RIN1545–BI01)(TD 9409)) received on July 8, 2008; to the Committee on Finance.

EC–7070. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Dependent Child of Divorced or Separated Parents or Parents Who Live Apart'' (TD 9408) received on July 8, 2008; to the Committee on Finance.

EC–7071. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of an application for the export of defense services to support the manufacture of baseline ''green'' configured Sikorsky S–70i Blackhawk Helicopters; to the Committee on Foreign Relations.

EC–7072. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed technical assistance agreement for the export of technical data in support of the Emirates Air Defense Ground Element and TPS–78 Radar Systems for the United Arab Emirates Low Altitude Surveillance System Program; to the Committee on Foreign Relations.

EC–7073. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, certification of the fact that no United Nations organization or affiliated agency grants any official status to any organization which promotes and condones or seeks the legalization of pedophilia; to the Committee on Foreign Relations.

EC–7074. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, texts of Conventions and Recommendations that were adopted by the International Labor Conference at Geneva; to the Committee on Foreign Relations.

EC–7075. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–419, ''Fiscal Year 2009 Budget Support Act of 2008'' received on July 8, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7076. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–407, ''Wards 4, 7, and 8 Anti-Sale of Single Containers of Alcoholic Beverages Act of 2008'' received on July 7, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7077. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–406, ''Compensation and Holdover Clarification Amendment Act of 2008'' received on July 7, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7078. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–405, ''Financial Literacy Council Establishment Act of 2008'' received on July 7, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7079. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–404, ''Noise Control Protection Amendment Act of 2008'' received on July 7, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7080. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Office's Federal Activities Inventory Reform Act Inventory Summary as of June 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–7081. A communication from the Administrator, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, notification of the fact that the cost of response and recovery efforts for FEMA–3283–EM in the State of Illinois has exceeded the limit for a single emergency declaration; to the Committee on Homeland Security and Governmental Affairs.

EC–7082. A communication from the Acting Administrator, General Services Administration, transmitting notification that the Administration has made public its approval letter relative to its Commercial and Inherently Governmental Activities Inventories for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–7083. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled, ''2007 Report to Congress on the Benefits and Costs of Federal Regulations and Unfunded Mandates on State, Local, and Tribal Entities''; to the Committee on Homeland Security and Governmental Affairs.

EC–7084. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of Homeland Security, transmitting, pursuant to law, a report relative to the Department's Other Transaction Authority; to the Committee on Homeland Security and Governmental Affairs.

EC–7085. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Technical Corrections to Customs and Border Protection Regulations'' (CBP Dec. No. 08–25) received on July 8, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7086. A communication from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled ''Use of Meeting Rooms and Public Space'' (RIN3095–AB33) received on July 7, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7087. A communication from the Secretary of Labor, transmitting a draft bill intended to establish authority for the Secretary to impose a fee on employers submitting applications to the Department for the certification of temporary employment of non-immigrant aliens under the H–2B non-agricultural worker visa program; to the Committee on the Judiciary.

EC–7088. A communication from the Director of Regulations Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Beneficiary Travel Under 38 U.S.C. 111 Within the United States'' (RIN2900–AM02) received on July 2, 2008; to the Committee on Veterans' Affairs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. HARKIN for the Committee on Agriculture, Nutrition, and Forestry.

*Walter Lukken, of Indiana, to be Chairman of the Commodity Futures Trading Commission.

*Bartholomew H. Chilton, of Delaware, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring April 13, 2013.

*Scott O'Malia, of Michigan, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring April 13, 2012.

By Mr. AKAKA for the Committee on Veterans' Affairs.

*Christine O. Hill, of Georgia, to be an Assistant Secretary of Veterans Affairs (Congressional Affairs).

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

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 (for herself and Mr. STEVENS):

S. 3234. A bill to amend the Internal Revenue Code of 1986 to provide a temporary income tax credit for commercial fisherman to offset high fuel costs; to the Committee on Finance.

By Mr. VITTER:

S. 3235. A bill to reduce the amount of financial assistance provided to the Government of Mexico in response to the illegal border crossings from Mexico into the United States, which serve to dissipate the political discontent with the higher unemployment rate within Mexico; to the Committee on Foreign Relations.

By Mr. McCONNELL (for himself, Mr. GRASSLEY, and Mr. KYL):

S. 3236. A bill to amend titles XVIII and XIX of the Social Security Act to extend provisions under Medicare and Medicaid programs, and for other purposes; read the first time.

ADDITIONAL COSPONSORS

S. 60

At the request of Mr. INOUYE, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 60, a bill to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children.

S. 678

At the request of Mrs. BOXER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 678, a bill to amend title 49, United States Code, to ensure air passengers have access to necessary services while on a grounded air carrier and are not unnecessarily held on a grounded air carrier before or after a flight, and for other purposes.

S. 935

At the request of Mr. NELSON of Florida, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 935, a bill to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 937

At the request of Mrs. CLINTON, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 937, a bill to improve support and services for individuals with autism and their families.

S. 991

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 991, a bill to establish the Senator Paul Simon Study Abroad Foundation under the authorities of the Mutual Educational and Cultural Exchange Act of 1961.

S. 1795

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of S. 1795, a bill to improve access to workers' compensation programs for injured Federal employees.

S. 2504

At the request of Mr. NELSON of Florida, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor 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. 2507

At the request of Mrs. HUTCHISON, the name of the Senator from New Jersey

(Mr. MENENDEZ) was added as a cosponsor of S. 2507, a bill to address the digital television transition in border states.

S. 2510

At the request of Mr. ISAKSON, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2510, a bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes.

S. 2579

At the request of Mr. INOUYE, the names of the Senator from Wyoming (Mr. BARRASSO), the Senator from Montana (Mr. BAUCUS), the Senator from Delaware (Mr. CARPER), the Senator from Illinois (Mr. OBAMA), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Minnesota (Mr. COLEMAN) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 2579, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the United States Army in 1775, to honor the American soldier of both today and yesterday, in wartime and in peace, and to commemorate the traditions, history, and heritage of the United States Army and its role in American society, from the colonial period to today.

S. 2668

At the request of Mr. ENSIGN, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 2668, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

At the request of Mr. KERRY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2668, supra.

S. 2736

At the request of Mr. KOHL, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2736, a bill to amend section 202 of the Housing Act of 1959 to improve the program under such section for supportive housing for the elderly, and for other purposes.

S. 2908

At the request of Mr. BROWN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2908, a bill to amend title II of the Social Security Act to prohibit the display of Social Security account numbers on Medicare cards.

S. 2957

At the request of Mr. LIEBERMAN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2957, a bill to modernize credit union net worth standards, advance credit union efforts to promote economic growth, and modify credit union regularity standards and reduce burdens, and for other purposes.

S. 3108

At the request of Mr. KERRY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 3108, a bill to require the President to call a White House Conference on Food and Nutrition.

S. 3130

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 3130, a bill to provide energy price relief by authorizing greater resources and authority for the Commodity Futures Trading Commission, and for other purposes.

S. 3134

At the request of Mr. NELSON of Florida, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 3134, a bill to amend the Commodity Exchange Act to require energy commodities to be traded only on regulated markets, and for other purposes.

S. 3177

At the request of Mr. KENNEDY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 3177, a bill to develop a policy to address the critical needs of Iraqi refugees.

S. 3191

At the request of Mr. NELSON of Florida, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 3191, a bill to develop and promote a comprehensive plan for a national strategy to address harmful algal blooms and hypoxia through baseline research, forecasting and monitoring, and mitigation and control while helping communities detect, control, and mitigate coastal and Great Lakes harmful algal blooms and hypoxia events.

S. 3209

At the request of Mrs. HUTCHISON, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 3209, a bill to amend title VII of the Civil Rights Act of 1964 to clarify the filing period applicable to charges of discrimination, and for other purposes.

S. 3223

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 3223, a bill to establish a small business energy emergency disaster loan program.

S.J. RES. 43

At the request of Mr. WICKER, the names of the Senator from South Carolina (Mr. DEMINT) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S.J. Res. 43, a joint resolution proposing an amendment to the Constitution of the United States relating to marriage.

S. CON. RES. 87

At the request of Mr. DURBIN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. Con. Res. 87, a concurrent resolution congratulating the Republic of Latvia on the 90th anniversary of its declaration of independence.

S. RES. 580

At the request of Mr. BAYH, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. Res. 580, a resolution expressing the sense of the Senate on preventing Iran from acquiring a nuclear weapons capability.

S. RES. 607

At the request of Ms. MIKULSKI, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. Res. 607, a resolution designating July 10, 2008, as ''National Summer Learning Day''.

S. RES. 609

At the request of Mrs. MURRAY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. Res. 609, a resolution recognizing the need for rapid recapitalization of the KC–135 aerial refueling fleet through re-competition of the United States Air Force's KC–X solicitation.

AMENDMENT NO. 5066

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 5066 proposed to H.R. 6304, a bill to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MURKOWSKI (for herself and Mr. STEVENS):

S. 3234. A bill to amend the Internal Revenue Code of 1986 to provide a temporary income tax credit for commercial fishermen to offset high fuel costs; to the Committee on Finance.

Ms. MURKOWSKI. Mr. President, I rise to introduce a bill that will help commercial fishermen in Alaska and all over the United States offset high fuel prices by providing a temporary income tax credit for excessive fuel costs. I am pleased to have Mr. STEVENS join me in introducing this important legislation.

Diesel fuel prices in Alaska and across the Nation have increased more than 50 percent over the past year. Some fishermen are reporting that they are now spending up to 70 percent of their income for fuel. This is having a devastating impact on this industry as fishermen do not have the option of passing the cost of fuel onto clients or customers, turning to alternative modes of transportation to do their jobs, or selling their product for a higher price. They can't simply increase the price of fish to offset higher fuel costs. Fish prices, in most cases, are set by the seafood processing sector and are tied to prices in the global seafood market in which Alaskan and American seafood compete.

All around the world, fishermen are responding to this crisis. They are

blockading harbors in Ireland and France, protesting at the European Union headquarters in Belgium, rioting in Italy and Spain, burning fishing boats in Thailand, and striking in Japan.

Fishermen all over the United States are staying tied to the dock, unable to make enough money from their catch to pay for the fuel. In Gloucester and Biloxi, Key West and Honolulu, Point Judith and Kodiak, fishermen simply can't afford to go fishing. And some U.S. vessels are running all the way from the Gulf of Mexico and California to Mexico to buy fuel. Even the Federal Government is cancelling fishery stock assessment surveys due to the high cost of fuel. As you can see, fishermen are getting hit from all sides right now.

When fishermen can't go fishing, they can't make their boat and permit payments. Many are simply going out of business. Fishermen are not the only ones who are concerned about the high price of fuel. The seafood processing sector also is facing higher costs for energy and many other inputs and is worried about the industry's ability to maintain a steady supply of fish. When fishermen don't leave the dock, the processors don't get their fish and a major seafood supply shortage could occur in the near future.

Some people might say that if fish stocks were healthier or fewer boats were fishing, that the industry could better deal with the increased price of fuel. But even in Alaska, where we have abundant, sustainably managed fish stocks that supply over 50 percent of the seafood in the United States, we are still suffering. The price of fuel has increased from an average of $1.80 per gallon in 2004 to $2.80 last year and diesel is now $4.50 on average.

In Alaska, we have already limited the number of vessels in most fisheries, so they are not over capitalized. We also have established many limited access privilege programs such as limited entry, individual fishing quotas, and coops, where fishermen can make choices to harvest in the most efficient and economic way. So, even though we have tried to make the fisheries much more economical, we still are being severely impacted by these high fuel prices. We are much more able to withstand these high fuel prices than regions and fisheries that have not limited the number of vessels or slowed the race for fish. But, many fisheries in Alaska, including our salmon fisheries, where over 150 million fish likely will be caught in a 2½ month season, fishermen must catch the fish while they are available. In other parts of the country, where fishermen are still racing for fish and have not limited the number of vessels participating, things must be far worse.

In order to provide temporary relief to the commercial fishermen across the country, I am introducing this legislation. If we allow the fishermen in this country to stay tied to the dock, or go out of business, we may lose a large portion of the industry. Since over 80 percent of the seafood Americans eat is imported, we simply can't afford for this to happen. We must try to assist this industry weather this storm. I believe this legislation will help us do that.

By Mr. McCONNELL (for himself, Mr. GRASSLEY, and Mr. KYL):

S. 3236. A bill to amend titles XVIII and XIX of the Social Security Act to extend provisions under Medicare and Medicaid programs, and for other purposes; read the first time.

Mr. McCONNELL. 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 placed in the RECORD, as follows:

S. 3236

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Medicare and Medicaid Extension Act of 2008''.

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

Sec. 1. Short title; table of contents.

TITLE I—MEDICARE

Sec. 101. Extension of physician payment update.
Sec. 102. Extension of floor on Medicare work geographic adjustment under the Medicare physician fee schedule.
Sec. 103. Extension of treatment of certain physician pathology services under Medicare.
Sec. 104. Extension of exceptions process for Medicare therapy caps.
Sec. 105. Extension of payment rule for brachytherapy and therapeutic radiopharmaceuticals.
Sec. 106. Extension of accommodation of physicians ordered to active duty in the Armed Services.
Sec. 107. Delay in and reform of Medicare DMEPOS competitive acquisition program.

TITLE II—MEDICAID

Sec. 201. Extension of qualifying individual (QI) program.
Sec. 202. Extension of transitional medical assistance (TMA) and abstinence education program.
Sec. 203. Medicaid DSH extension.

TITLE III—CONTINGENCY

Sec. 301. Contingency.

TITLE I—MEDICARE

SEC. 101. EXTENSION OF PHYSICIAN PAYMENT UPDATE.

(a) IN GENERAL.—Section 1848(d)(8) of the Social Security Act (42 U.S.C. 1395w–4(d)(8)), as added by section 101 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), is amended—

(1) in subparagraph (A), by striking ''June 30, 2008'' and inserting ''July 31, 2008''; and

(2) in subparagraph (B), by striking ''July 1, 2008'' and inserting ''August 1, 2008''.

(b) REVISION OF THE PHYSICIAN ASSISTANCE AND QUALITY INITIATIVE FUND.—Section 1848(l)(2)(A)(i) of the Social Security Act (42 U.S.C. 1395w–4(l)(2)(A)(i)), as amended by section 101(a)(2) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173) and by section 7002(c) of the Supplemental Appropriations Act, 2008, is amended—

(1) in subclause (III), by inserting '' reduced by $600,000,000'' before the period at the end; and

(2) in subclause (IV), by inserting '' increased by $220,000,000'' before the period at the end.

(c) IMPLEMENTATION.—For purposes of carrying out the provisions of, and amendments made by, this title, in addition to any amounts otherwise provided in such provisions and amendments, there are appropriated to the Centers for Medicare & Medicaid Services Program Management Account, out of any money in the Treasury not otherwise appropriated, $20,000,000.

SEC. 102. EXTENSION OF FLOOR ON MEDICARE WORK GEOGRAPHIC ADJUSTMENT UNDER THE MEDICARE PHYSICIAN FEE SCHEDULE.

(a) IN GENERAL.—Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w–4(e)(1)(E)), as amended by section 103 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), is amended by striking ''before July 1, 2008'' and inserting ''before August 1, 2008''.

(b) TECHNICAL CORRECTION.—Section 602(1) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2301) is amended to read as follows:

''(1) in subparagraph (A), by striking 'subparagraphs (B), (C), and (E)' and inserting 'subparagraphs (B), (C), (E), and (G)'; and''.

SEC. 103. EXTENSION OF TREATMENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES UNDER MEDICARE.

Section 542(c) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106–554), as amended by section 732 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395w–4 note), section 104 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395w–4 note), and section 104 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), is amended by striking ''the first 6 months of 2008'' and inserting ''the first 7 months of 2008''.

SEC. 104. EXTENSION OF EXCEPTIONS PROCESS FOR MEDICARE THERAPY CAPS.

Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)), as amended by section 105 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), is amended by striking ''June 30, 2008'' and inserting ''July 31, 2008''.

SEC. 105. EXTENSION OF PAYMENT RULE FOR BRACHYTHERAPY AND THERAPEUTIC RADIOPHARMACEUTICALS.

Section 1833(t)(16)(C) of the Social Security Act (42 U.S.C. 1395l(t)(16)(C)), as amended by section 106 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), is amended by striking ''July 1, 2008'' each place it appears and inserting ''August 1, 2008''.

SEC. 106. EXTENSION OF ACCOMMODATION OF PHYSICIANS ORDERED TO ACTIVE DUTY IN THE ARMED SERVICES.

Section 1842(b)(6)(D)(iii) of the Social Security Act (42 U.S.C. 1395u(b)(6)(D)(iii)), as amended by section 116 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), is amended by striking ''July 1, 2008'' and inserting ''August 1, 2008''.

SEC. 107. DELAY IN AND REFORM OF MEDICARE DMEPOS COMPETITIVE ACQUISITION PROGRAM.

(a) TEMPORARY DELAY AND REFORM.—

(1) IN GENERAL.—Section 1847(a) of the Social Security Act (42 U.S.C. 1395w–3(a)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (B)(i), in the matter before subclause (I), by inserting ''consistent with subparagraph (D)'' after ''in a manner'';

(ii) in subparagraph (B)(i)(II), by striking ''80'' and ''in 2009'' and inserting ''an additional 70'' and ''in 2011'', respectively;

(iii) in subparagraph (B)(i)(III), by striking ''after 2009'' and inserting ''after 2011 (or, in the case of national mail order for items and services, after 2010)''; and

(iv) by adding at the end the following new subparagraphs:

''(D) CHANGES IN COMPETITIVE ACQUISITION PROGRAMS.—

''(i) ROUND 1 OF COMPETITIVE ACQUISITION PROGRAM.—Notwithstanding subparagraph (B)(i)(I) and in implementing the first round of the competitive acquisition programs under this section—

''(I) the contracts awarded under this section before the date of the enactment of this subparagraph are terminated, no payment shall be made under this title on or after the date of the enactment of this subparagraph based on such a contract, and, to the extent that any damages may be applicable as a result of the termination of such contracts, such damages shall be payable from the Federal Supplementary Medical Insurance Trust Fund under section 1841;

''(II) the Secretary shall conduct the competition for such round in a manner so that it occurs in 2009 with respect to the same items and services and the same areas, except as provided in subclauses (III) and (IV);

''(III) the Secretary shall exclude Puerto Rico so that such round of competition covers 9, instead of 10, of the largest metropolitan statistical areas; and

''(IV) there shall be excluded negative pressure wound therapy items and services.

Nothing in subclause (I) shall be construed to provide an independent cause of action or right to administrative or judicial review with regard to the termination provided under such subclause.

''(ii) ROUND 2 OF COMPETITIVE ACQUISITION PROGRAM.—In implementing the second round of the competitive acquisition programs under this section described in subparagraph (B)(i)(II)—

''(I) the metropolitan statistical areas to be included shall be those metropolitan statistical areas selected by the Secretary for such round as of June 1, 2008; and

''(II) the Secretary may subdivide metropolitan statistical areas with populations (based upon the most recent data from the Census Bureau) of at least 8,000,000 into separate areas for competitive acquisition purposes.

''(iii) EXCLUSION OF CERTAIN AREAS IN SUBSEQUENT ROUNDS OF COMPETITIVE ACQUISITION PROGRAMS.—In implementing subsequent rounds of the competitive acquisition programs under this section, including under subparagraph (B)(i)(III), for competitions occurring before 2015, the Secretary shall exempt from the competitive acquisition program (other than national mail order) the following:

''(I) Rural areas.

''(II) Metropolitan statistical areas not selected under round 1 or round 2 with a population of less than 250,000.

''(III) Areas with a low population density within a metropolitan statistical area that is otherwise selected, as determined for purposes of paragraph (3)(A).

''(E) VERIFICATION BY OIG.—The Inspector General of the Department of Health and Human Services shall, through post-award audit, survey, or otherwise, assess the process used by the Centers for Medicare & Medicaid Services to conduct competitive bidding and subsequent pricing determinations under this section that are the basis for pivotal bid amounts and single payment amounts for items and services in competitive bidding areas under rounds 1 and 2 of the competitive acquisition programs under this section and may continue to verify such calculations for subsequent rounds of such programs.

''(F) SUPPLIER FEEDBACK ON MISSING FINANCIAL DOCUMENTATION.—

''(i) IN GENERAL.—In the case of a bid where one or more covered documents in connection with such bid have been submitted not later than the covered document review date specified in clause (ii), the Secretary—

''(I) shall provide, by not later than 45 days (in the case of the first round of the competitive acquisition programs as described in subparagraph (B)(i)(I)) or 90 days (in the case of a subsequent round of such programs) after the covered document review date, for notice to the bidder of all such documents that are missing as of the covered document review date; and

''(II) may not reject the bid on the basis that any covered document is missing or has not been submitted on a timely basis, if all such missing documents identified in the notice provided to the bidder under subclause (I) are submitted to the Secretary not later than 10 business days after the date of such notice.

''(ii) COVERED DOCUMENT REVIEW DATE.—The covered document review date specified in this clause with respect to a competitive acquisition program is the later of—

''(I) the date that is 30 days before the final date specified by the Secretary for submission of bids under such program; or

''(II) the date that is 30 days after the first date specified by the Secretary for submission of bids under such program.

''(iii) LIMITATIONS OF PROCESS.—The process provided under this subparagraph—

''(I) applies only to the timely submission of covered documents;

''(II) does not apply to any determination as to the accuracy or completeness of covered documents submitted or whether such documents meet applicable requirements;

''(III) shall not prevent the Secretary from rejecting a bid based on any basis not described in clause (i)(II); and

''(IV) shall not be construed as permitting a bidder to change bidding amounts or to make other changes in a bid submission.

''(iv) COVERED DOCUMENT DEFINED.—In this subparagraph, the term 'covered document' means a financial, tax, or other document required to be submitted by a bidder as part of an original bid submission under a competitive acquisition program in order to meet required financial standards. Such term does not include other documents, such as the bid itself or accreditation documentation.''; and

(B) in paragraph (2)(A), by inserting before the period at the end the following: ''and excluding certain complex rehabilitative power wheelchairs recognized by the Secretary as classified within group 3 or higher (and related accessories when furnished in connection with such wheelchairs)''.

(2) BUDGET NEUTRAL OFFSET.—

(A) IN GENERAL.—Section 1834(a)(14) of such Act (42 U.S.C. 1395m(a)(14)) is amended—

(i) by striking ''and'' at the end of subparagraphs (H) and (I);

(ii) by redesignating subparagraph (J) as subparagraph (M); and

(iii) by inserting after subparagraph (I) the following new subparagraphs:

''(J) for 2009—

''(i) in the case of items and services furnished in any geographic area, if such items or services were selected for competitive acquisition in any area under the competitive acquisition program under section 1847(a)(1)(B)(i)(I) before July 1, 2008, including related accessories but only if furnished with such items and services selected for such competition and diabetic supplies but only if furnished through mail order, −9.5 percent; or

''(ii) in the case of other items and services, the percentage increase in the consumer price index for all urban consumers (U.S. urban average) for the 12-month period ending with June 2008;

''(K) for 2010, 2011, 2012, and 2013, the percentage increase in the consumer price index for all urban consumers (U.S. urban average) for the 12-month period ending with June of the previous year;

''(L) for 2014—

''(i) in the case of items and services described in subparagraph (J)(i) for which a payment adjustment has not been made under subsection (a)(1)(F)(ii) in any previous year, the percentage increase in the consumer price index for all urban consumers (U.S. urban average) for the 12-month period ending with June 2013, plus 2.0 percentage points; or

''(ii) in the case of other items and services, the percentage increase in the consumer price index for all urban consumers (U.S. urban average) for the 12-month period ending with June 2013; and''.

(B) CONFORMING TREATMENT FOR CERTAIN ITEMS AND SERVICES.—The second sentence of section 1842(s)(1) of such Act (42 U.S.C. 1395u(s)(1)) is amended by striking ''except that'' and all that follows and inserting the following: ''except that for items and services described in paragraph (2)(D)—

''(A) for 2009 section 1834(a)(14)(J)(i) shall apply under this paragraph instead of the percentage increase otherwise applicable; and

''(B) for 2014, if subparagraph (A) is applied to the items and services and there has not been a payment adjustment under paragraph (3)(B) for the items and services for any previous year, the percentage increase computed under section 1834(a)(14)(L)(i) shall apply instead of the percentage increase otherwise applicable.''.

(3) CONFORMING DELAY.—Subsections (a)(1)(F) and (h)(1)(H) of section 1834 of the Social Security Act (42 U.S.C. 1395m) are each amended by striking ''January 1, 2009'' and inserting ''January 1, 2011''.

(4) CONSIDERATIONS IN APPLICATION.—Section 1834 of such Act (42 U.S.C. 1395m) is amended—

(A) in subsection (a)(1)—

(i) in subparagraph (F), by inserting ''subject to subparagraph (G),'' before ''that are included''; and

(ii) by adding at the end the following new subparagraph:

''(G) USE OF INFORMATION ON COMPETITIVE BID RATES.—The Secretary shall specify by regulation the methodology to be used in applying the provisions of subparagraph (F)(ii) and subsection (h)(1)(H)(ii). In promulgating such regulation, the Secretary shall consider the costs of items and services in areas in which such provisions would be applied compared to the payment rates for such items and services in competitive acquisition areas.''; and

(B) in subsection (h)(1)(H), by inserting ''subject to subsection (a)(1)(G),'' before ''that are included''.

(b) QUALITY STANDARDS.—

(1) APPLICATION OF ACCREDITATION REQUIREMENT.—

(A) IN GENERAL.—Section 1834(a)(20) of the Social Security Act (42 U.S.C. 1395m(a)(20)) is amended—

(i) in subparagraph (E), by inserting ''including subparagraph (F),'' after ''under this paragraph,''; and

(ii) by adding at the end the following new subparagraph:

''(F) APPLICATION OF ACCREDITATION REQUIREMENT.—In implementing quality standards under this paragraph—

''(i) subject to clause (ii), the Secretary shall require suppliers furnishing items and services described in subparagraph (D) on or after October 1, 2009, directly or as a subcontractor for another entity, to have submitted to the Secretary evidence of accreditation by an accreditation organization designated under subparagraph (B) as meeting applicable quality standards; and

''(ii) in applying such standards and the accreditation requirement of clause (i) with respect to eligible professionals (as defined in section 1848(k)(3)(B)), and including such other persons, such as orthotists and prosthetists, as specified by the Secretary, furnishing such items and services—

''(I) such standards and accreditation requirement shall not apply to such professionals and persons unless the Secretary determines that the standards being applied are designed specifically to be applied to such professionals and persons; and

''(II) the Secretary may exempt such professionals and persons from such standards and requirement if the Secretary determines that licensing, accreditation, or other mandatory quality requirements apply to such professionals and persons with respect to the furnishing of such items and services.''.

(B) CONSTRUCTION.—Section 1834(a)(20)(F)(ii) of the Social Security Act, as added by subparagraph (A), shall not be construed as preventing the Secretary of Health and Human Services from implementing the first round of competition under section 1847 of such Act on a timely basis.

(2) DISCLOSURE OF SUBCONTRACTORS UNDER COMPETITIVE ACQUISITION PROGRAM.—Section 1847(b)(3) of such Act (42 U.S.C. 1395w–3(b)(3)) is amended by adding at the end the following new subparagraph:

''(C) DISCLOSURE OF SUBCONTRACTORS.—

''(i) INITIAL DISCLOSURE.—Not later than 10 days after the date a supplier enters into a contract with the Secretary under this section, such supplier shall disclose to the Secretary, in a form and manner specified by the Secretary, the information on—

''(I) each subcontracting relationship that such supplier has in furnishing items and services under the contract; and

''(II) whether each such subcontractor meets the requirement of section 1834(a)(20)(F)(i), if applicable to such subcontractor.

''(ii) SUBSEQUENT DISCLOSURE.—Not later than 10 days after such a supplier subsequently enters into a subcontracting relationship described in clause (i)(II), such supplier shall disclose to the Secretary, in such form and manner, the information described in subclauses (I) and (II) of clause (i).''.

(3) COMPETITIVE ACQUISITION OMBUDSMAN.—Section 1847 of such Act (42 U.S.C. 1395w–3) is amended by adding at the end the following new subsection:

''(f) COMPETITIVE ACQUISITION OMBUDSMAN.—The Secretary shall provide for a competitive acquisition ombudsman within the Centers for Medicare & Medicaid Services in order to respond to complaints and inquiries made by suppliers and individuals relating to the application of the competitive acquisition program under this section. The ombudsman may be within the office of the Medicare Beneficiary Ombudsman appointed under section 1808(c). The ombudsman shall submit to Congress an annual report on the activities under this subsection, which report shall be coordinated with the report provided under section 1808(c)(2)(C).''.

(c) CHANGE IN REPORTS AND DEADLINES.—

(1) GAO REPORT.—Section 302(b)(3) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173) is amended—

(A) in subparagraph (A)—

(i) by inserting ''and as amended by section 2 of the Medicare DMEPOS Competitive Acquisition Reform Act of 2008'' after ''as amended by paragraph (1)''; and

(ii) by inserting before the period at the end the following: ''and the topics specified in subparagraph (C)'';

(B) in subparagraph (B), by striking ''Not later than January 1, 2009,'' and inserting ''Not later than 1 year after the first date that payments are made under section 1847 of the Social Security Act,''; and

(C) by adding at the end the following new subparagraph:

''(C) TOPICS.—The topics specified in this subparagraph, for the study under subparagraph (A) concerning the competitive acquisition program, are the following:

''(i) Beneficiary access to items and services under the program, including the impact on such access of awarding contracts to bidders that—

''(I) did not have a physical presence in an area where they received a contract; or

''(II) had no previous experience providing the product category they were contracted to provide.

''(ii) Beneficiary satisfaction with the program and cost savings to beneficiaries under the program.

''(iii) Costs to suppliers of participating in the program and recommendations about ways to reduce those costs without compromising quality standards or savings to the Medicare program.

''(iv) Impact of the program on small business suppliers.

''(v) Analysis of the impact on utilization of different items and services paid within the same Healthcare Common Procedure Coding System (HCPCS) code.

''(vi) Costs to the Centers for Medicare & Medicaid Services, including payments made to contractors, for administering the program compared with administration of a fee schedule, in comparison with the relative savings of the program.

''(vii) Impact on access, Medicare spending, and beneficiary spending of any difference in treatment for diabetic testing supplies depending on how such supplies are furnished.

''(viii) Such other topics as the Comptroller General determines to be appropriate.''.

(2) DELAY IN OTHER DEADLINES.—

(A) PROGRAM ADVISORY AND OVERSIGHT COMMITTEE.—Section 1847(c)(5) of the Social Security Act (42 U.S.C. 1395w–3(c)(5)) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(B) SECRETARIAL REPORT.—Section 1847(d) of such Act (42 U.S.C. 1395w–3(d)) is amended by striking ''July 1, 2009'' and inserting ''July 1, 2011''.

(C) IG REPORT.—Section 302(e) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173) is amended by striking ''July 1, 2009'' and inserting ''July 1, 2011''.

(3) EVALUATION OF CERTAIN CODE.—The Secretary of Health and Human Services shall evaluate the existing Health Care Common Procedure Coding System (HCPCS) codes for negative pressure wound therapy to ensure accurate reporting and billing for items and services under such codes. In carrying out such evaluation, the Secretary shall use an existing process, administered by the Durable Medical Equipment Medicare Administrative Contractors, for the consideration of coding changes and consider all relevant studies and information furnished pursuant to such process.

(d) OTHER PROVISIONS.—

(1) EXEMPTION FROM COMPETITIVE ACQUISITION FOR CERTAIN OFF-THE-SHELF ORTHOTICS.—Section 1847(a) of the Social Security Act (42 U.S.C. 1395w–3(a)) is amended by adding at the end the following new paragraph:

''(7) EXEMPTION FROM COMPETITIVE ACQUISITION.—The programs under this section shall not apply to the following:

''(A) CERTAIN OFF-THE-SHELF ORTHOTICS.—Items and services described in paragraph (2)(C) if furnished—

''(i) by a physician or other practitioner (as defined by the Secretary) to the physician's or practitioner's own patients as part of the physician's or practitioner's professional service; or

''(ii) by a hospital to the hospital's own patients during an admission or on the date of discharge.

''(B) CERTAIN DURABLE MEDICAL EQUIPMENT.—Those items and services described in paragraph (2)(A)—

''(i) that are furnished by a hospital to the hospital's own patients during an admission or on the date of discharge; and

''(ii) to which such programs would not apply, as specified by the Secretary, if furnished by a physician to the physician's own patients as part of the physician's professional service.''.

(2) CORRECTION IN FACE-TO-FACE EXAMINATION REQUIREMENT.—Section 1834(a)(1)(E)(ii) of such Act (42 U.S.C. 1395m(a)(1)(E)(ii)) is amended by striking ''1861(r)(1)'' and inserting ''1861(r)''.

(3) SPECIAL RULE IN CASE OF NATIONAL MAIL-ORDER COMPETITION FOR DIABETIC TESTING STRIPS.—Section 1847(b) of such Act (42 U.S.C. 1395w–3(b)) is amended—

(A) by redesignating paragraph (10) as paragraph (11); and

(B) by inserting after paragraph (9) the following new paragraph:

''(10) SPECIAL RULE IN CASE OF COMPETITION FOR DIABETIC TESTING STRIPS.—

''(A) IN GENERAL.—With respect to the competitive acquisition program for diabetic testing strips conducted after the first round of the competitive acquisition programs, if an entity does not demonstrate to the Secretary that its bid covers types of diabetic testing strip products that, in the aggregate and taking into account volume for the different products, cover 50 percent (or such higher percentage as the Secretary may specify) of all such types of products, the Secretary shall reject such bid. The volume for such types of products may be determined in accordance with such data (which may be market based data) as the Secretary recognizes.

''(B) STUDY OF TYPES OF TESTING STRIP PRODUCTS.—Before 2011, the Inspector General of the Department of Health and Human Services shall conduct a study to determine the types of diabetic testing strip products by volume that could be used to make determinations pursuant to subparagraph (A) for the first competition under the competitive acquisition program described in such subparagraph and submit to the Secretary a report on the results of the study. The Inspector General shall also conduct such a study and submit such a report before the Secretary conducts a subsequent competitive acquisition program described in subparagraph (A).''.

(4) OTHER CONFORMING AMENDMENTS.—Section 1847(b)(11) of such Act, as redesignated by paragraph (3), is amended—

(A) in subparagraph (C), by inserting ''and the identification of areas under subsection (a)(1)(D)(iii)'' after ''(a)(1)(A)'';

(B) in subparagraph (D), by inserting ''and implementation of subsection (a)(1)(D)'' after ''(a)(1)(B)'';

(C) in subparagraph (E), by striking ''or'' at the end;

(D) in subparagraph (F), by striking the period at the end and inserting ''; or''; and

(E) by adding at the end the following new subparagraph:

''(G) the implementation of the special rule described in paragraph (10).''.

(5) FUNDING FOR IMPLEMENTATION.—In addition to funds otherwise available, for purposes of implementing the provisions of, and amendments made by, this section, other than the amendment made by subsection (c)(1) and other than section 1847(a)(1)(E) of the Social Security Act, the Secretary of Health and Human Services shall provide for the transfer from the Federal Supplementary Medical Insurance Trust Fund established under section 1841 of the Social Security Act (42 U.S.C. 1395t) to the Centers for Medicare & Medicaid Services Program Management Account of $20,000,000 for fiscal year 2008, and $25,000,000 for each of fiscal years 2009 through 2012. Amounts transferred under this paragraph for a fiscal year shall be available until expended.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect as of June 30, 2008.

TITLE II—MEDICAID

SEC. 201. EXTENSION OF QUALIFYING INDIVIDUAL (QI) PROGRAM.

(a) EXTENSION.—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)) is amended by striking ''June'' and inserting ''July''.

(b) EXTENDING TOTAL AMOUNT AVAILABLE FOR ALLOCATION.—Section 1933(g)(2)(I) of the Social Security Act (42 U.S.C. 1396u–3(g)(2)(I)) is amended—

(1) by striking ''June 30'' and inserting ''July 31'';

(2) by striking ''$200,000,000'' and inserting ''$250,000,000''.

SEC. 202. EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE (TMA) AND ABSTINENCE EDUCATION PROGRAM.

Section 401 of division B of the Tax Relief and Health Care Act of 2006 (Public Law 109–432, 120 Stat. 2994), as amended by section 1 of Public Law 110–48 (121 Stat. 244), section 2 of the TMA, Abstinence, Education, and QI Programs Extension Act of 2007 (Public Law 110–90, 121 Stat. 984), and section 202 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), is amended—

(1) by striking ''June 30'' and inserting ''July 31'';

(2) by striking ''the third quarter of fiscal year 2008'' and inserting ''July 31, 2008''; and

(3) by striking ''the third quarter of fiscal year 2007'' and inserting ''July 31, 2007''.

SEC. 203. MEDICAID DSH EXTENSION.

Section 1923(f)(6) of the Social Security Act (42 U.S.C. 1396r–4(f)(6)) is amended—

(1) in subparagraph (A)(i), in the second sentence—

(A) by striking ''June 30'' and inserting ''July 31''; and

(B) by striking ''¾'' and inserting ''⅚''; and

(2) in subparagraph (B)(i)—

(A) in the first sentence, by striking ''June 30'' and inserting ''July 31''; and

(B) by striking ''$7,500,000'' and inserting ''$8,333,333''.

TITLE III—CONTINGENCY

SEC. 301. CONTINGENCY.

If a bill entitled the ''Medicare Improvements for Patients and Providers Act of 2008'' is enacted, before, on, or after the date of enactment of this Act, except for sections 101(c), the provisions of, and amendments made by, this Act are repealed and any Act amended by such amendments shall be administered as if such provisions and amendments had not been enacted.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, July 9, 2008 at 12 p.m., in S–241 of the Capitol.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, July 9, 2008, at 10 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, July 9, 2008, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 9, 2008, at 2:30 p.m.

The PRESIDING OFFICER, Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. 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 ''Oversight of the U.S. Department of Justice'' on Wednesday, July 9, 2008, at 9:30 a.m., in room SD–106 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. REID. 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, July 9, in room 418 of the Russell Senate Office Building, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. REID. 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, July 9, 2008. The Committee will meet off the Senate Floor in the Reception room.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, July 9, 2008, at 10 a.m. to conduct a hearing entitled ''Medicare Vulnerabilities: Payments for Claims Tied to Deceased Doctors.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SECURITIES INSURANCE, AND INVESTMENT SUBCOMMITTEE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, July 9, 2008 at 2 p.m., to conduct a hearing entitled ''Reducing Risks and Improving Oversight in the OTC Credit Derivatives Market.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests, be authorized to meet during the session of the Senate to conduct a hearing on Wednesday, July 9, 2008, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. I ask unanimous consent that the following Finance Committee staff be allowed floor privileges during the consideration of the Medicare bill: Mel Hanes, Adam Lythgoe, Ashleen Williams.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Madam President, as in executive session, I ask unanimous consent that on Thursday, July 10, at a time to be determined by the majority leader, following consultation with the Republican leader, notwithstanding rule XXII, if applicable, the Senate proceed to executive session to consider the following nominations: Calendar Nos. 665 and 666; that there be 20 minutes of debate to run concurrently on both nominations, with the time equally divided and controlled between the chairman and the ranking member of the Armed Services Committee; that upon the use or yielding back of time, the Senate proceed to vote on confirmation of the nominations in the order listed here, with the second vote in the sequence limited to 10 minutes in duration; that upon confirmation of the nominations, the motions to reconsider be laid upon the table, en bloc, the President be immediately notified of the Senate's action, with no further motions in order, the Senate then resume legislative session, and that any time utilized during executive session count postcloture, if applicable.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. This is GEN David Petraeus and LTG Raymond Odierno.

MEASURE READ THE FIRST TIME—S. 3236

Mr. REID. Madam President, it is my understanding that there is a bill at the desk due for a first reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (S. 3236) to amend titles XVIII and XIX of the Social Security Act to extend provisions under the Medicare and Medicaid programs, and for other purposes.

Mr. REID. Madam President, I ask for its second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

ORDERS FOR THURSDAY, JULY 10, 2008

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. tomorrow, Thursday, July 10; that following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the House message to accompany H.R. 3221, the housing reform bill; that the hour prior to the cloture vote be equally divided and controlled between the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each, with Senator DODD controlling the final 10 minutes prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Madam President, tomorrow there will be 1 hour for debate prior to a cloture vote on the motion to disagree to the amendments of the House with respect to the housing reform bill. Therefore, Senators should expect the first vote of the day to begin as early as 10:30 a.m. There will be no morning business.

Today we were unable to reach an agreement to proceed on the Global AIDS legislation. We have tried to do that for weeks now. As a result of attempting to work something out, I was forced to file cloture to proceed to the bill, but I am hopeful we will be able to reach an agreement to consider the legislation. I certainly hope that is the case. We also hope to be able to complete the housing legislation tomorrow, but that is up in the air. We still understand there is a Republican Senator objecting to allowing us to finish this legislation.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent it stand in recess under the previous order.

There being no objection, the Senate, at 6:20 p.m., recessed until Thursday, July 10, 2008, at 9:30 a.m.

EXTENSIONS OF REMARKS

TRIBUTE TO BRIGADIER GENERAL DOUGLAS M. PIERCE

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. LATHAM. Madam Speaker, I rise to recognize the retirement of Brigadier General Douglas M. Pierce, Deputy Adjutant General of the Iowa Air National Guard, and to express my appreciation for his dedication and commitment to his state and country.

After graduating from Westview High School in Lake City, Iowa, General Douglas Pierce earned a bachelor of science degree in animal science from Iowa State University in 1968, followed later by a master of science degree in personnel management and counseling from Troy State University in 1981.

In 1969, General Pierce's long and distinguished career in America's Armed Forces began when he was commissioned in the United States Air Force. He was an Honor Graduate and awarded the aeronautical rating of pilot during Undergraduate Pilot Training in 1970. He was a T–37 Instructor Pilot until April 1974 when he joined the Iowa Air National Guard, 132d Fighter Wing as a combat-ready pilot. General Pierce served as Flight Commander and Chief, Standardization and Evaluation until 1983 when he transferred to Headquarters Iowa National Guard as Executive Support Officer to the adjutant general. In 1985, General Pierce returned to the 132d Fighter Wing as the 124th Fighter Squadron Operations Officer until 1990 when he was selected as the Operations Group commander. He became the vice commander for the 132d Fighter Wing in 1999 until he transferred to Headquarters Iowa Air National Guard as the vice commander in 2002. In 2004, General Pierce assumed the duties as Assistant Adjutant General, Air.

For the past 39 years, General Pierce has served faithfully and honorably, earning a long list of military awards and decorations. He has accumulated over 5,800 flying hours and flown many different military aircrafts. General Pierce's long-standing commitment to the Iowa Air National Guard and his country has earned him the respect, honor and dignity of all who have served with him. For this I offer him my utmost congratulations and thanks.

I commend Brigadier General Douglas M. Pierce for his many years of loyalty and service to our great nation. It is an immense honor to represent General Pierce in the United States Congress, and I wish him a happy retirement from the Iowa Air National Guard and all the best in his future endeavors.

CONGRATULATING SYNGENTA OF LOUISIANA FOR RECEIVING THE PACE AWARD

HON. DONALD J. CAZAYOUX, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. CAZAYOUX. Madam Speaker, I rise today to honor the hard work and dedication of a local Louisiana manufacturer. The manufacturer that I am recognizing has demonstrated innovation in manufacturing operations and a commitment to community involvement.

Syngenta, a global agribusiness with operations in my district in Louisiana, manufactures the active ingredients atrazine and benoxacor, and formulates Touchdown®, Karate®, and Halex™ GT brands, among other products, for the agricultural sector. The economic impact that Syngenta brings to St. Gabriel, Louisiana, is significant. The chemical facility employs more than 700 company and contract employees with an annual payroll of $58 million. This local manufacturer has made noteworthy advances in productivity through the implementation of lean manufacturing methods and processes that transform and streamline operations through the company. Because of these accomplishments, Syngenta will be honored by the Manufacturing Extension Partnership of Louisiana (MEPOL), with the fourth annual Platinum Award for Continued Excellence (PACE) Award.

MEPOL, a non-profit business resource based at the University of Louisiana at Lafayette, serves to provide business and technical assistance to emerging and established manufacturing firms throughout the State of Louisiana. Since 1997, MEPOL, based on a philosophy of education, encouragement, and empowerment, has worked with manufacturers such as Syngenta to increase their productivity and profitability.

Working with MEPOL, Syngenta developed a steering committee to assist in developing the ideal state with benchmarks to identify quantifiable impact. In less than 6 months, more than 150 ideas were generated, and within 1 year, $1.7 million cost savings were validated. The problem solving process included visible metrics and methods to assure continuous improvement projects are a daily focus during each shift.

Syngenta also participates in numerous community outreach programs and charities. Each year, the company educates more than 5,000 public and private school students and contributes over 1,200 to promote the field of science. Syngenta has also made substantial financial contributions to the local United Way campaign. I congratulate Syngenta on being a respected leader in manufacturing whose commitment to advancement and continued success has led to this outstanding achievement.

IN MEMORY OF MAYOR WILLIAM C. JENKINS

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. MITCHELL. Madam Speaker, I rise today to recognize Mayor William C. "Bill" Jenkins, an exemplary public servant and my good friend. Early on Wednesday, July 2, 2008, Bill lost a hard-fought battle with cancer, and Scottsdale lost one of its finest citizens. Bill was 79 years old.

After earning two degrees from Arizona State University, Bill gave back to Arizona's public education system by teaching American government and economics in the Scottsdale Unified School District for 29 years. From 1966 to 1974, he took his lessons from the classroom and applied them to the city as a member of the Scottsdale City Council. Then, in 1974, the good people of Scottsdale elected Bill as their mayor. Every afternoon he rode his bike from Scottsdale High School across the street to City Hall to assume his job as mayor.

Despite the demands of his position, his dedication to his students never wavered. He set a great example as he originated the monthly "Mayor's Breakfast," founded the Scottsdale Historical Society, established Youth-in-Government Day, and laid the groundwork for the city's Environmentally Sensitive Land Ordinance.

Under his leadership, Scottsdale underwent one of its greatest periods of economic growth. Among many other projects, Bill oversaw the construction and dedication of Scottsdale's first senior center, the completion of City Hall, and the construction of Scottsdale's Maricopa County court building.

As testimony to his impact on the city, Bill has been inducted into the Scottsdale History Hall of Fame, received Scottsdale Leadership's Wells Fargo Herbert R. Drinkwater Leadership Award, and recently won the title of Arizona Culturekeeper for his efforts to preserve the city's historic landmarks.

It would take much more time to list all of Bill Jenkins' accomplishments, but the ultimate record of his work lies in the positive and lasting impact he has made upon the hearts and minds of the people he served.

Madam Speaker, please join me and Bill's wife and children in mourning the loss and honoring the legacy of Bill Jenkins.

IN REMEMBRANCE OF CHARLES SEBES

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. KUCINICH. Madam Speaker, I rise today in remembrance and honor of Charles

Sebes, a beloved figure in Cleveland area politics and a loving husband, father, and grandfather. This past June we gathered to celebrate Chuck's retirement as Parma Democratic City Ward Leader.

Madam Speaker, I rise today in honor and recognition of Charles Sebes, upon the occasion of his retirement after 20 years of service as the Parma Democratic City Ward Leader. His unwavering dedication to the Party, to his community, and to the rights of working men and women is framed by honor and integrity.

Chuck has spent hundreds of hours volunteering on numerous political campaigns and causes throughout his life. During the past 30 years, Chuck has taken an active role in organizing the Northern Ohio Labor Day Parade. As Secretary of Parma Southwest Cope, Chuck has chaired the reverse raffle committee for the past 25 years. He has also been the Chairman of Parma's Democratic Steak Roast for 20 years. Chuck's devotion and enthusiasm consistently inspire those around him and has made all of these events successful.

During his 22 years of employment with the National Tool Company, Chuck served as President of the United Steel Workers of America, Local 4827. Governor Richard Celeste appointed Chuck to the Ohio Regional Board of Review for Worker's Compensation. In 1991, Martin Vittardi, Clerk of Parma Municipal Court, appointed Chuck to be the Chief Deputy Clerk of Court. His friendship is coveted not only by myself and Marty, but by numerous individuals whose lives have been touched by his energetic spirit, kindness and loyalty.

As Chief Deputy and Supervisor, his colleagues and staff know him to be a man who is passionate about all aspects of his life. They respect Chuck for his fairness and for being a man of his word. He believes that patience is a virtue and was reassuring that a task would get done, never hesitating to become part of the solution. They appreciate Chuck for always looking out for their best interest, fighting for what they deserve and for being valued by him. His reputation for being a prankster and for his colorful way of telling a joke is legendary. Chuck is a wise and generous man and he is a true friend to the people in his life.

Evelyn, his wife of 52 years, and their wonderful family have sustained Chuck with a lifetime of support. Joe, Jim, Janet and Joyce, have blessed them with seven grandchildren. Chuck and Evelyn's children and grandchildren continue to be their pride and joy.

CARIBBEAN LEADERS READY TO NEGOTIATE AT CARICOM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. RANGEL. Madam Speaker, I rise today to enter into the RECORD a July 1, 2008 New York Carib News article entitled: "Saint Vincent and the Grenadines PM wants LIAT, Caribbean Airlines Collaboration." The article attests to the combined Caribbean effort to forge business ties with partners in the U.S. financial community.

There is a new way of thinking about air service to the Caribbean. "We have to think large and we have to think in a strategic sense with these matters," said Prime Minister Ralph Gonsalves. He has suggested that the Antigua based airline LIAT become a subsidiary of Caribbean Airlines and essentially create a "nexus." In the future he believes that Air Jamaica and Bahamas Air will join the collaboration to create a regional airline service.

These plans were largely facilitated at the New York CARICOM Conference. The conference provided a medium through which Caribbean leaders could propose their vision for the economic reshaping of the Caribbean.

PERSONAL EXPLANATION

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, unfortunately, I was delayed by traffic on Tuesday, July 8, 2008, and I missed two votes on the House floor.

However, had I been present I would have voted "yea" on H.R. 3981—To authorize the Preserve America Program and Save America's Treasures Program, and for other purposes; and "yea" on H.R. 1423—To authorize the Secretary of the Interior to lease a portion of a visitor center to be constructed outside the boundary of the Indiana Dunes National Lakeshore in Porter County, Indiana, and for other purposes.

ADA AMENDMENTS ACT OF 2008

SPEECH OF

HON. PHIL HARE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 2008

Mr. HARE. Madam Speaker, I rise today in strong support of H.R. 3195, the ADA Amendments Act of 2008. I am very pleased that the House is considering this important legislation, and I urge our friends in the Senate to swiftly take action on it as well.

As it stands now, the Americans with Disabilities Act (ADA) leaves too many Americans at an unfair disadvantage. Many workers who suffer from debilitating diseases such as epilepsy or cancer are being discriminated against in the workplace but are denied redress by the courts. No one should be denied employment or be fired from his or her job because of a disability, but the Supreme Court has on multiple occasions interpreted the law in a way that opens the door to this possibility. In fact, plaintiffs lost 97 percent of ADA employment discrimination claims in 2004 alone, often due to the interpretation of the definition of "disability."

The starkest demonstration of this problem is found in Toyota Motor Manufacturing v. Williams, which the Supreme Court considered in 2002. The majority decision in this case held that the ADA's language regarding the extent of disability must be strictly interpreted so that legal protections from discrimination would apply only to those whose disabilities are long-term or permanent, and substantially limit their ability to perform routine tasks.

This was not the intent of the ADA. Congress passed the Americans with Disabilities Act in 1990 to clearly and comprehensively eliminate discrimination against all individuals with disabilities. Since that time, the ADA has transformed our Nation, helping millions of Americans with disabilities succeed in the workplace, and making transportation, housing, buildings, and services more accessible to individuals with disabilities.

The bill we are considering today restores the original intent of Congress by rejecting the Supreme Court decisions that have reduced protections for people with disabilities. Additionally, the legislation clarifies the definition of "disability" to include what it means to be "substantially limited in a major life activity." The legislation also prohibits the consideration of mitigating measures such as medication, prosthetics, and assistive technology in determining whether an individual has a disability, and provides coverage to people who experience discrimination based on a perception of impairment regardless of whether the individual does in fact have a disability.

The most important factor for a court to weigh in on a discrimination case should be the allegation itself—not the extent or nature of a worker's disability. This is not what every day Americans stand for, and this is not what Congress meant when the law was originally enacted.

By more clearly defining the term "disabled," we will be able to free up the courts in the future to focus on alleged acts of discrimination and better protect the American workers for whom this law was enacted.

I urge my colleagues to join the broad coalition of civil rights groups, disability advocates, and employer trade organizations who support this bill and vote with me to stop discrimination against individuals with disabilities by restoring the original intent of the Americans with Disabilities Act.

INTRODUCTION OF CLEAN CRUISE SHIP ACT OF 2008

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. FARR. Madam Speaker, many Americans enjoy taking cruises, in large part because they get to see some of the Nation's most beautiful marine ecosystems. Cruise ships have the potential to bring these beautiful locations to many people, but these people also have an expectation that the ship that transports them will not damage the environments that they are visiting. Because I want to see these beautiful marine ecosystems protected for future generations to enjoy, I am introducing the Clean Cruise Ship Act of 2008.

The Cruise Ship Industry has experienced much success over the past 18 years and has been growing at a rate of 5 percent per year. U.S. ports handled 8.6 million cruise embarkations which accounted for 75 percent of global passengers. Unfortunately, as it grows, its potential to negatively affect the marine environment grows as well.

Cruise ships are floating cities, with large cruise ships routinely carrying more than 3,000 passengers and crew. Right now a new 225,000 gross-ton cruise ship is being built

which will carry 5,400 passengers. This supersized cruise ship is twice the size of a Nimitz class aircraft carrier.

During a typical 1-week voyage, a large cruise ship (with 3,000 passengers and crew) is estimated to generate 210,000 gallons of sewage; 1 million gallons of graywater (wastewater from sinks, showers, and laundries); more than 130 gallons of hazardous wastes; and 8 tons of solid waste. A large cruise ship will also generate more than 25,000 gallons of oily bilge water (oil and chemicals from engine maintenance that collect in the bottom of ships and are toxic to marine life).

We all know what happens when untreated sewage is dumped through accident or failure: It damages the environment. Beaches are closed. Swimmers and surfers get sick from a number of diseases. Americans have come to expect that the sewage they create is regulated and that cities will not dump untreated sewage into the water. When sewage spills occur, Americans expect that they will be quickly informed and protected.

Isn't it reasonable to think that these ships should be subject to the same wastewater regulations as those governing municipalities of comparable size? I think so. Is it our responsibility to enact the policies which will ensure that these floating cities do not cause damage to our marine environment? With 75 percent of the passengers going through U.S. ports, it is our duty.

While many cruise ship companies have environmental policies and agreements in place, many are voluntary with no monitoring or enforcement provisions. Unfortunately, I am all too familiar with the down-side to voluntary agreements. In my district a cruise ship—breaking its voluntary agreement—illegally discharged 36,000 gallons of sewage into the Monterey Bay National Marine Sanctuary in 2002.

Simply put, voluntary agreements between cruise lines and States are not enough to ensure protection of our oceans. The public deserves more than industry's claims of environmental performance. We need a Federal law and we need it now. It's time we strengthen the environmental regulations and in so doing, bring these floating cities in line with current pollution treatment standards. The Clean Cruise Ship Act of 2008 is the answer.

The legislation that I am introducing today has bipartisan support and is endorsed by many local and national groups, plugs existing loopholes in Federal laws, bans the dumping of wastewater within 12 miles of shore, bans the dumping of hazardous waste, sewage sludge and incinerator ash in U.S. waters, requires ships to treat their wastewater wherever they operate, and authorizes broadened inspection and enforcement authority.

Several States including California, Alaska, and Maine, have enacted legislation to better regulate various cruise ship wastes—similar to the legislation I am introducing today. In fact, I am proud to report that California is leading the country in protecting its coastal waters from cruise ship pollution.

Now I would like to mention another way in which ships may damage our coasts: aquatic invasive species that slip into our lakes and coastal waters in discharged ballast water. Alien species that have escaped into U.S. waters are causing massive harm. We have to do everything in our power to prevent new invasive species from getting loose. With this in mind, many of us have been closely watching court cases surrounding the Environmental Protection Agency's responsibility for regulating ballast water under the Clean Water Act. That litigation may have implications for cruise ship wastewater pollution.

I do not intend for this bill or these comments to interfere with or undermine the provisions of the Clean Water Act that deal with discharges of pollution into the Nation's waters. I have always supported and continue to support the Clean Water Act. It will continue to be an important tool that, in conjunction with the Clean Cruise Ship Act, can significantly reduce wastewater pollution from cruise ships.

Passing the Clean Cruise Ship Act of 2008 is one of the ways to provide all States with the kinds of ocean and coastal protections that the people of California, Alaska, and Maine benefit from. Enacting this bill will protect the tourism industry by making sure that the beaches and oceans, two of the attractions that make California the most visited State in our country, will be protected from cruise ship pollution. Simply put, this legislation ensures two things: (1) a sustainable future for our oceans, and (2) a sustainable future for the cruise and tourism industry.

This legislation promotes the public interest for all Americans. The public expects and deserves clean water—both in our inland waterways and in our oceans. The Clean Cruise Ship Act of 2008, through its discharge regulations, will give the public what it deserves.

In closing, Madam Speaker, I urge all of my colleagues to support this critically important legislation.

TRIBUTE TO JERRY DWYER

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize and congratulate Jerry Dwyer of Clear Lake, Iowa, for earning the Federal Aviation Administration Wright Brothers Master Pilot award and the Charles Taylor Master Mechanic award.

Jerry began flying at age 13 and earned his student pilot rating at age 16, the same year he became an apprentice aircraft and engine mechanic. He has also obtained commercial pilot and aircraft transport pilot certificates. At the age of 77, Jerry remains a licensed pilot and mechanic and is the president of Dwyer Aircraft Sales Inc.

It is very uncommon for a pilot to receive both awards in a lifetime, especially at the same time. Jerry received the FAA awards at the FAA ceremonies in Ames, Iowa earlier this year. The Wright Brothers Award recognizes pilots who have practiced and promoted safe flight for 50 consecutive years. The Taylor award recognizes the lifetime accomplishments of senior mechanics.

I know that my colleagues in the United States Congress join me in commending Jerry Dwyer for his leadership and dedication to aviation safety. I consider it an honor to represent Jerry in Congress, and I wish him the best in his future endeavors.

IN HONOR OF THE ITALIAN CULTURAL GARDEN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. KUCINICH. Madam Speaker, and colleagues, I rise today in honor and recognition of the Italian Cultural Garden, within which the beautiful and ancient notes of Italian Opera, will be heard in the garden for the first time since 1943.

The Italian Cultural Garden was formally opened on October 12, 1930, in honor of the 2,000th anniversary of the birth of the Italian poet, Virgil. Clevelander, business owner and Italian American Philip Garbo led the effort to create the garden. His expertise in the areas of Renaissance art, along with his commitment to keeping his Italian heritage vibrant in Cleveland, is reflected throughout the garden.

Visitors to the Italian Cultural Garden are awestruck by the magnificent sandstone towers that mark the entrance. Once inside, exquisite stone walkways and staircases wind through landscapes that meander throughout the two-level garden. On the lower level, a stone wall fountain adds elegance to a reflective courtyard of circular stone. The fountain is flanked on either side by the countenances that highlight Italian brilliance: Giotto, Michelangelo, Petrarca, Verdi, da Vinci and Marconi.

Madam Speaker and colleagues, please join me in celebration and recognition of the Cleveland Italian Cultural Garden. On Friday, June 27, 2008, the ancient melodies of Italian opera will once again rise above the falling water, light, flora and stone in the Italian Cultural Garden. The ancient art of opera celebrates the history of Italian culture—a culture that covets and encourages artistic discovery; a culture that understands the significance of historical preservation; and a culture that continues to offer significant contributions to Cleveland, to our country and to the world.

EXPRESSING SUPPORT OF THE THURGOOD MARSHALL RESOLUTION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. RANGEL. Madam Speaker, I rise today to express my support of the Thurgood Marshall Resolution that recognizes the 100th birthday of Thurgood Marshall, introduced by Congressman DONALD M. PAYNE.

Thurgood Marshall was one of the America's most important leaders of the civil rights revolution and architects of affirmative action. Being born as a grandson of a slave in Baltimore, MD, Marshall grew to become the Nation's first African-American Supreme Court justice and a recognized fighter for equal rights and integration. Marshall, who was rejected by the University of Maryland Law School because of his race when he applied, eventually earned his law degree from Howard University. And again, when he was refused the opportunity to practice law, he became the lead attorney for the Legal Defense Fund of the National Association for the Advancement

of Colored People. Marshall firmly believed that only through racial integration could equality of opportunity be achieved for blacks and whites in our society. Throughout his life Thurgood Marshall worked to abolish the legacy of slavery and eliminate the racist segregation system. His most famous successful legal case, Brown v. Board of Education, created historic precedent and stopped the separation of black and white children in public school. The victories of his Supreme Court cases led to enormous accomplishments for the American people in the areas of housing, education and voting.

In recognizing the 100th anniversary of Thurgood Marshall's birthday, we are not only honoring his life and superior accomplishments, but also continuing his noble mission. This great man's lifelong struggle to end racial bias and discrimination is highly meaningful and inspiring. Marshall fought for legal protection of children, women, elderly, homeless and prisoners. His role in ending legally sanctioned inequality and segregation which had created an American apartheid was of critical importance and deserves the Nation's recognition.

TRIBUTE TO RICHARD LOUDEN

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mrs. MUSGRAVE. Madam Speaker, I rise today to pay tribute to Richard Louden, a lifelong rancher, historian, and community servant.

Richard Louden was born in Branson, Colorado, on September 2, 1920, to R.D. "Dick" and Zita Louden. He graduated from Branson High School and shortly after earned an associate of arts degree from Trinidad Jr. College. He then earned a bachelor's degree in journalism from the University of Colorado and the University of Missouri.

When his country became involved in World War II, Louden served in the U.S. Signal Corps and Air Force. After the war, he returned to the family ranch and married Grace Wakefield. The couple had one child, their son Mack.

Richard's interest in history and his love for the high mesas and extensive prairies of his native land led him to a continuing study of southeastern Colorado. His articles on ranching and agriculture were published in the Arkansas Valley Journal, the Chronicle-News, Cattle Guard, and Colorado Magazine. In the 1950s, Richard joined the Colorado Archaeological Society, and went on to become its president. He was fundamental to the establishment of the Louden-Henritze Archaeology Museum, which bears his name. He also served as president of the Trinidad Historical Society, and as a founding member of the A.R. Mitchell Museum of Western Art.

Mr. Louden was heavily involved in his son's school, and he served as president of the school board for 16 years. His knowledge and commitment to the community made him a respected figure on both the State and local level, resulting in his recognition with numerous honors by the organizations he served or impacted. These awards include the Colorado Board of Community Colleges Achievement and Service Award, the Chenoweth Award for Community Service, the Honored Alumni Award at Trinidad St. Jr. College, Kiwanis Citizen of the Year, and the Colorado Community College and Occupational Educational Alumni Hall of Fame.

Madam Speaker, I am proud to honor the memory of Richard Louden, who led a life of service to his family, his community, and to this country.

PERSONAL EXPLANATION

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. CARTER. Madam Speaker, on July 8, 2008, I was unable to be present for all rollcall votes.

If present, I would have voted accordingly on the following rollcall votes: Roll No. 471—"aye," Roll No. 472—"aye," Roll No. 473—"aye."

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately last night, July 8, 2008, due to my plane being delayed by over an hour and a half due to mechanical issues, I was unable to cast my votes on H.R. 3981, H.R. 1423, and H.R. 4199.

Had I been present for rollcall No. 471, on suspending the rules and passing H.R. 3981, the Preserve America and Save America's Treasures Act, I would have voted "yea."

Had I been present for rollcall No. 472, on suspending the rules and passing H.R. 1423, the Dorothy Buell Memorial Visitor Center Lease Act, I would have voted "yea."

Had I been present for rollcall No. 473, on suspending the rules and passing H.R. 4199, to amend the Dayton Aviation Heritage Preservation Act of 1992 to add sites to the Dayton Aviation Heritage National Historical Park, I would have voted "yea."

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. ANDREWS. Madam Speaker, I was unavoidably detained from voting on July 8, 2008. Had I been present I would have voted "yea" on the following rollcall votes: rollcall 471, rollcall 472, and rollcall 473.

EDITORIAL HAILS CARICOM CONFERENCE A SUCCESS BUT LEADERS NEED TO FOLLOW-UP

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. RANGEL. Madam Speaker, I rise today to enter into the RECORD an editorial by Tony Best published on June 23, 2008 in the New York Carib News, entitled: "Caribbean Community Conference in New York Had Its Successes but Effective Follow-up Needed by CARICOM States and Their Leaders."

By all accounts, the Conference was a success. With the Caribbean leaders leaving New York having made powerful connections with the financial community and the New York Stock Exchange, one of the biggest successes was New York City Comptroller Bill Thompson's announcement that New York City pension funds will soon be investing in the region. There is also news of an expanded educational exchange and cooperative agreements between Medgar Evers College and the University of the West Indies.

Despite the high hopes that are a result of the conference, there is some skepticism that Caribbean leaders will hold up their end of the bargain. "One thing is certain: any success would depend on an efficient and well coordinated follow-up, something the region itself has failed to do on many occasions," says Tony Best, the New York Carib News editorial writer. Now that the conference is over, the ball lies in CARICOM's court and it is up to them to make sure that the relationships established during the meetings lead to tangible results in the Caribbean. I remain ready to do whatever I am able to facilitate the full flowering of the promising relationships that were established at the conference.

TRIBUTE TO CHRISTY DEMARIS

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize a great achievement by Christy DeMaris, a Girl Scout from Huxley, Iowa. Christy convinced customers to buy extra boxes of Girl Scout cookies so she could send the boxes to our troops in Iraq.

As Christy sold Girl Scout cookies to her customers, she politely asked them if they would be willing to purchase extra boxes to be sent to troops in Iraq. She amassed 172 boxes to be sent to American troops. Christy's mother, Mandi, came up with the idea after hearing of a Boy Scout who sent popcorn to soldiers overseas. Christy was very excited about the idea because her father, John, works as a civilian computer systems administrator in Iraq, keeping the e-mail system working for American soldiers. So Christy put the plan into action and made it a success.

Christy DeMaris is a shining example of the generosity present in today's youth and their promise as tomorrow's leaders. I am proud to represent Christy and her parents John and Mandi in the United States Congress. I know that my colleagues join me in congratulating Christy for her efforts to make brighter days for our American soldiers and I wish her and her family the best in their future endeavors.

MEDICARE IMPROVEMENTS FOR PATIENTS AND PROVIDERS ACT OF 2008

SPEECH OF

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2008

Mr. JOHNSON of Illinois. Mr. Speaker, I rise today in support of H.R. 6331, the Medicare Improvement for Patients and Providers Act of 2008. Due to a flight delay on June 24, 2008, I was unable to cast my vote in favor of this important piece of legislation.

The Medicare Improvement for Patients and Providers Act is critical to my district as it stops the scheduled cut in physician payment rates under the Medicare program and provides for a 1.1 percent increase in 2009. If these cuts are not halted by Congressional action, under current law, physicians across the country are to receive a 10.6 percent cut in their Medicare payment rates. This will lead to a loss of health care access for Medicare beneficiaries in every Congressional district. Short of a permanent fix to the sustainable growth rate for doctors, it is imperative that Congress pass short-term extensions, such as this, to ensure that physicians around the country are reimbursed by Medicare for the care they are providing to our Nation's seniors. It is important to recognize that many of these doctors own small businesses and the services they provide to their communities are undeniable and necessary. We must ensure that Medicare beneficiaries have access to doctors, and passing this legislation will ensure access to care.

While I was disappointed that the bill included cutting Medicare Advantage payments in order to pay for the physician payment increase, I believe that the underlying issue of physician payments must take precedence in order to preserve access for Medicare beneficiaries with their local physicians.

As the President has given Congress until July 15 to act on this issue, I look forward to having an opportunity to pass legislation to fix this issue for our physicians and Medicare beneficiaries.

HONORING ''KIDS IN MOTION''

HON. KENNY C. HULSHOF

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. HULSHOF. Madam Speaker, in my 12 years in Congress, I have been privileged to work with numerous organizations throughout my congressional district; agencies that are making an impact in the future of their communities. It is in that vein that today I wish to recognize Kids In Motion for their service to Hannibal, Missouri.

Twelve years ago, local law enforcement officials and concerned citizens of Hannibal met to discuss reported gang activity in the town. As a result of the meeting, several leaders in the community took upon themselves the responsibility and initiative to create this program, Kids In Motion, as a program designed to combat these problems. While several local volunteers stepped up to make KIM a success, I specifically remember meeting numerous times with Marilyn Cohn and Sherri Steinmann, two local business and community leaders who dedicated many of their weeks, months, and even years in the program's infancy to make sure this effort was a success.

KIM is designed as a pre-employment and life success training program for at-risk youth between the ages of 12 and 15 years old. KIM's mission is a simple, yet important, one for the region. The program teaches teens and pre-teens to value work, value their community, and to value their future. Youth are provided transportation to and from their project sites, and they also receive breakfast and lunch. In Hannibal, KIM has partnered with the local Parks and Recreation Department, Tourism Bureau, Public School District, Housing Authority, and other civic groups and agencies in summer projects to benefit the community.

I've had the privilege of speaking at several KIM programs in the past, encouraging KIM members to apply themselves to their work and their communities as well. Being a former prosecutor, I've explained to the attendees the importance of choices they'll be making in their lives and how those choices can help shape their lives in years to come. Each year, I've marveled at the program's impact in the lives of pre-teens in Hannibal, shaping their lives and their futures for the impressionable and important years to come.

Each year we read about a striking decline in the number of volunteers, particularly younger citizens, who choose to take part in civic or community betterment efforts. Yet through this program, we see the rekindling of that flame, all the while providing a vehicle for these at-risk youth to spend their summers in a productive, rather than destructive, manner.

KIM encourages personal responsibility and self-reliance, preparing participants to successfully enter the workforce. Enrolled youth members are able to perform various community service projects in a supervised setting to benefit their community. While performing these services, they learn teamwork, good work habits, and a respect for authority. Through KIM's early intervention into the lives of these youth, the organization is able to redirect values and influence positive behavior and lifestyle choices. KIM also attempts to empower youth to improve their lives and eventually achieve their dreams.

Now under the watchful eye of Amy Vaughn and Douglass Community Services in Hannibal, the program is taking steps to not only serve Hannibal, but the surrounding areas as well. Amy dreamed for some time of taking the program to different communities in the region, helping to provide each of them with the opportunities afforded Hannibal over the last decade. Now, Amy's dream is becoming a reality. This month, the program is expanding to Louisiana and Bowling Green in Pike County, Missouri. Each of the three participating communities realizes the value of this organization and how it can affect the lives of youth both now and in the future.

KIM is very special because the effort was formed as a volunteer organization with no selfish motivation whatsoever. The program was pursued as a way not just to help address community concerns, but to provide a better and brighter future for Hannibal's leaders of tomorrow. Those efforts have now expanded beyond Hannibal's borders and beyond the wildest dreams of success held by the founders of the organization. Local law enforcement agencies, community businesses, business leaders, and local school officials have joined forces to make this project a success. But the selfless nature of the program is what continues its appeal yet today.

As June is Kids In Motion's annual kickoff month for their summer program, they have named this month ''Kids In Motion'' month. On this occasion, I congratulate KIM on their tremendous record to date, and I wish them continued success for future years to come.

HONORING JAMES F. ''JIM'' MCNULTY

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. SCHIFF. Madam Speaker, I rise today to honor James F. ''Jim'' McNulty upon his retirement as chief executive officer of Parsons Corporation, headquartered in Pasadena, California.

Born in Wheeling, West Virginia, Jim attended the United States Military Academy at West Point where he graduated with a bachelor of science degree in engineering and was commissioned as an Army second lieutenant in the field artillery in 1964.

Jim's 24-year career in the Army included a variety of training, research and development, and project management assignments. He was trained and qualified as a paratrooper, as a ranger, and as a graduate of the Army Command and General Staff College, and he served two tours of duty in Vietnam. During his three years of service in Germany, he was a unit commander and an operations officer in a nuclear capable Pershing missile battalion. While in the Army, he earned masters degrees from Ohio State University and Massachusetts Institute of Technology, where he was an Alfred P. Sloan Fellow. Additional assignments included work as a research associate at Lawrence Livermore National Laboratory, Deputy Director of the Office of Military Application in the U.S. Department of Energy, Systems Manager for the deployment of the Pershing II missile system, and program manager for the ground based laser system for the Strategic Defense Initiative.

In 1988, Mr. McNulty retired from the Army as a colonel and joined Parsons as a project manager in the Washington, DC, office. Two years later he was appointed vice president and manager of Parsons' Washington operations, and in 1992, he was promoted to senior vice president and relocated to Pasadena to assume the position of a division manager. In January 1996, Jim became a group president and in April of that same year, upon the untimely death of the then Parsons CEO, he was named as the successor chief executive officer. In 1998, he assumed the additional role of chairman of the Parsons Corporation board of directors. In May 2008, Jim relinquished his role as chief executive officer while retaining his position as the chairman of the Parsons board of directors.

Jim's volunteer participation includes serving as a trustee of the Linsly School, in Wheeling, West Virginia, and as a member of the boards of directors of the Greater Los Angeles Chamber of Commerce, the California Science Center and the Los Angeles Sports Council. He is

the past chairman of Town Hall Los Angeles and a previous member of the board of trustees of Pomona College. A long-time supporter of the Pasadena POPS Orchestra, Jim is also involved in the American Heart Association, the American Cancer Society, United Way, and numerous other Pasadena and Los Angeles civic and philanthropic organizations.

It is my great pleasure to recognize the extraordinary achievements of James F. "Jim" McNulty and I ask all Members to join me in thanking him for his service to our community and to our country.

TRIBUTE TO GOOGLE, INC., RECIPIENT OF THE NATIONAL DESIGN AWARD

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Ms. ESHOO. Madam Speaker, it is a privilege for me to pay tribute to Google, Inc., of Mountain View, CA, for being recognized with the prestigious National Design Award given by the Smithsonian's Cooper-Hewitt National Design Museum.

The National Design Awards were created in 2000 by the Smithsonian's Cooper-Hewitt National Design Museum to educate the public about design. They honor and celebrate the best in American design with recipients being selected from a pool of over 800 talented designers, educators, journalists, cultural figures and corporate leaders. The National Design Awards program presents awards in ten different categories and this year they recognized Google for their leadership and talents with an award in Corporate Design.

Today. Google is recognized as one of the world's most important innovators and they achieved this in a remarkably short 10-year period. Under the superb leadership of Dr. Eric Schmidt, chairman and chief executive officer, and the two founders, Larry Page and Sergey Brin, Google has consistently demonstrated the finest in cutting-edge technology and has gained the confidence of their clients and investors alike. I'm proud to represent Google as a constituent company in the distinguished 14th Congressional District.

Madam Speaker, I ask our colleagues to join us in honoring Google, Inc., for being recognized with the prestigious National Design Award given by the Smithsonian's Cooper-Hewitt National Design Museum, for the leadership they provide in Silicon Valley and around the world, and for always looking ahead to capture the imagination of the next generation with their commitment to innovation.

INTERNATIONAL RECORDING ARTIST TAKES INITIATIVE IN HAITI

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. RANGEL. Madam Speaker, I rise today to enter into the RECORD the July 1, 2008, New York Carib News article entitled: "Wyclef Jean Travels to Haiti to Bring Mission of 'Together for Haiti' Food Initiative Home." I would like to take this opportunity to recognize Wyclef Jean for the important work he is doing for the Haitian people.

Wyclef is a Grammy Award winning international recording artist and social activist. He started Yelé Haiti, a foundation that supports projects in education, health, environment and community development in his home country of Haiti. Wyclef is also a founding member of Together for Haiti, an alliance of three major humanitarian organizations including Yelé Haiti. Together for Haiti's mission is to address the food crisis by providing food, creating jobs, and restoring hope and pride within the nation's poorest citizens.

Wyclef's mission to help Haiti has shed a much needed light into the food crisis that is plaguing the nation. The crisis is not because of a shortage of food but rather the cost of it. Although there is food available, it has become too expensive for the majority of the population that lives on one dollar a day to afford.

Wyclef's Together for Haiti has four initiatives: Targeted Food Distribution, Immediate Employment Creation, Micro-Enterprise Grants, and Seed and Fertilizer Training. These four initiatives lay the groundwork for the continued effort to stimulate economic growth in the country and lift our Haitian neighbors out of devastating poverty.

IN TRIBUTE TO CAROL D. SAMPLE

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Ms. MOORE of Wisconsin. Madam Speaker, I rise today to recognize Carol Sample, a compassionate community leader who is retiring after many years of working in the Fourth Congressional District. Carol's involvement in the nonprofit and economic development arena on behalf of all people, but especially for the needs of Native people, is truly impressive.

Carol Sample is originally from a remote Ojibwe Indian Reservation called Turtle Mountain in northern North Dakota, near the Canadian border. She attended Indian boarding school in South Dakota, undergraduate studies at Howard, a historically black university in Washington, DC, and completed her graduate studies at Loretto Heights College in Denver, Colorado.

Carol has worked both within and outside the system to achieve change, including marching with the American Indian Movement, AIM. Carol's employment history demonstrates her ability to successfully navigate within the system as well. In the over two decades that Carol has resided in Milwaukee, she has accomplished much. She has developed several programs that have become national models to address the unique needs of urban Indians. She sits on numerous national committees for the U.S. Department of Labor and is often asked to testify before national and local committees on the problems confronting Indians not residing on reservations. In addition, Carol serves on local boards such as the Milwaukee Area Technical College and the Milwaukee Area Workforce Board.

On July 9, 2008, Carol Sample will retire from her dual role as executive director for the corporate agency Spotted Eagle, Inc., and as principal for Spotted Eagle High School. Spotted Eagle was an early recipient of the best practices' School-to-Work Program of the Department of Labor. Her well-honed management ability, program development, and administration skills were utilized to ensure that a high school based on traditional Indian values was provided for Indian youth in Milwaukee. As a member of the First People, she opened the doors of Spotted Eagle to all youth in the community and we are all better for it.

Madam Speaker, for these reasons, I am honored to pay tribute to Ms. Carol Sample's contributions to the Fourth Congressional District. She has helped transform the lives of many people in our community.

TRIBUTE TO RICHARD KINSETH

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize Richard Kinseth for reaching an important milestone as a public servant to the people of Ottosen, Iowa.

For the past 40 years Richard has served as Ottosen's mayor. He has never run for the position but has always won with write-in votes. Richard has also served two years in the military and 40 years as a mail carrier serving Ottosen and Bradgate, Iowa.

Richard, at the age of 81, takes immense pride in his town of 44 people. The town park on the old school grounds is always kept clean and safe for children. Richard has made sure the town is kept presentable by tearing down old houses and buildings that have been abandoned. Ottosen has five functioning businesses which include a body shop, repair shop, sanitation business, recycling center and the Co-op.

I know that my colleagues in the United States Congress join me in commending Richard Kinseth for his years of leadership and service to Ottosen. I consider it an honor to represent him in Congress and I wish him the best in his future service to Ottosen.

PERSONAL EXPLANATION

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. LEVIN. Madam Speaker, yesterday, I was unavoidably absent during rollcall votes 471, 472 and 473. Had I been present, I would have voted "yea" on rollcall 471 to authorize the Preserve America Program and Save America's Treasures Program; "yea" on rollcall 472 to authorize the Secretary of the Interior to lease a portion of a visitor center to be constructed outside the boundary of the Indiana Dunes National Lakeshore; and "yea" on rollcall 473 to amend the Dayton Aviation Heritage Preservation Act of 1992.

HONORING THE COLLINSVILLE, ILLINOIS, LIONS CLUB

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. SHIMKUS. Madam Speaker, I rise today to recognize the service of the Collinsville, Illinois, Lions Club over the past 85 years. When the Collinsville Lions Club was founded in 1923, it was the only service organization in Collinsville. In the 1920s and 1930s, Collinsville was transitioning from a mining district to a mixed commercial-residential area. The Lions Club helped ensure a smooth transition then, and for the past 85 years has been an important part of the Collinsville community.

Throughout the years, this service organization has aided students in Southern Illinois interested in healthcare by providing yearly scholarships. Additionally, the Lions Club has been active in assisting the blind and visually impaired. In the past, they have provided glasses, cataract surgery, and sight-assistance dogs. Most notably, the Lions Club outfitted a reading room in the Collinsville Public Library with reading and hearing equipment, as well as hearing aids and reading glasses.

I would like to congratulate and thank the Collinsville, Illinois, Lions Club for 85 years of successful service and wish them the best of luck in the future.

MEDICARE IMPROVEMENTS FOR PATIENTS AND PROVIDERS ACT OF 2008

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 2008

Mrs. MALONEY of New York. Mr. Speaker, I strongly support H.R. 6331, the Medicare Improvements for Patients and Providers Act of 2008. The 14th Congressional District of New York, which I represent, is home to 18 hospitals—perhaps more than any other district in the nation. Of course, along with hospitals come physicians who regularly report to me about the crisis of healthcare in this country. I am grateful that H.R. 6331 helps America's doctors while also significantly helping Medicare beneficiaries and hope that the other body will act swiftly on this much needed legislation.

H.R. 6331 eliminates the pending 10.6 percent cuts in the Medicare Sustainable Growth Rate (SGR) to physicians for the remainder of 2008 and provides a 1.1 percent update in payments for 2009. I have thousands of doctors in my district who tell me that the uncertainty of Medicare payments makes it increasingly difficult to plan for expenses. Unfortunately, we are seeing that for many doctors, the response to the uncertainty is to stop taking new patients, or even more dire, end their participation with the Medicare program. This is catastrophic for patient access and care. This bill is a positive first step toward eliminating that uncertainty and allowing time for Congress to develop reforms to the current system.

I am proud that this bill strengthens Medicare for those beneficiaries who are in greatest need and ensures access to good quality care while remaining fiscally responsible. I thank Chairmen DINGELL and RANGEL for this important bill and urge my colleagues to support America's seniors by voting in favor of H.R. 6331.

CARIBBEAN LEADERS SHOW INITIATIVE IN PROPOSALS AT CARICOM CONFERENCE

HON. CHARLES B. RANGLE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. RANGEL. Madam Speaker, I rise today to enter into the RECORD a New York Carib News article entitled: ''Caribbean Countries Stress Investment Opportunities.'' The article recognizes Jamaica, Trinidad and Tobago, and Guyana for their precisely drawn out proposals presented by their heads of government during the New York CARICOM Conference to the leaders of the New York financial community.

The New York CARICOM Conference held from the 19th through the 21st of June 2008 will continue to produce results because of the hard work that Caribbean leaders did in preparation for the meetings. Their proposals are a declaration of their willingness to follow through in this initiative to more clearly define the role of the small economies of the Caribbean in the world economy. I believe that their efforts are only the beginning in the aim to build mutually beneficial relationships between the U.S. and the Caribbean and a clear message that the Caribbean is ready to do whatever it takes to increase their potential for economic growth.

TRIBUTE TO COLONEL TIMOTHY E. HIGGENS

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. MCGOVERN. Madam Speaker, I rise today to congratulate Colonel Timothy E. Higgens of North Attleboro, Massachusetts on his retirement from military service on July 7, 2008 and to recognize his exemplary 35 years of service to his country. Over his career, Col. Higgens has distinguished himself through his exceptional service and leadership skills while successfully completing a range of assignments.

Col. Higgens was educated at the United States Military Academy at West Point in New York, where he received his B.S. in Engineering. He later went on to earn his M.A. in Counseling from Ball State University in Indiana. Throughout this military career, he has maintained his civilian occupation as a Quality Assurance Engineer.

Col. Higgens began his distinguished military career on June 1, 1973. He served for five years on active duty and then went on to serve the balance of his career in the Army Reserves. He has completed the United States Army Ranger School, the United States Army Airborne School and the United States Army Infantry School. Col. Higgens has held numerous training, operations and command assignments, and his dedication and outstanding credentials culminated with his most recent assignment to an integral homeland security mission.

From July 2004 until July 2008, Col. Higgens served as the Chief Emergency Preparedness Liaison Officer for New England. In this position, he was the primary leader among a team of senior officers from the Air Force, Navy, Marine Corps, and Coast Guard representing the six New England states. Over the last four years, Col. Higgens led the team's deployment in multiple exercises and real life events. The skillful leadership and the many contributions made by Col. Higgens have undoubtedly strengthened homeland defense.

Throughout his military career, Col. Higgens has been supported by his loving wife, Evelyn, and his two sons, Ryan and Eric. Now, as he begins his retirement from military service, he plans to spend more time enjoying his favorite hobby of mountain biking.

Madam Speaker, in this time of international conflict, we must take the time to recognize the courageous sacrifices and innumerable contributions of men and women like Col. Higgens who have dedicated their lives to serving our country. Their commitment reflects the best examples of love of country and we are infinitely grateful for all they do. I humbly ask my colleagues in the United States House of Representatives to join me in congratulating Col. Timothy E. Higgens on his retirement from military service.

HONORING THE 75TH ANNIVERSARY OF THE STEPHEN DARIUS AND STANLEY GIRENAS TRANSATLANTIC FLIGHT

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. LIPINSKI. Madam Speaker, I rise today to honor two aviation pioneers, Stephen Darius and Stanley Girenas, on the 75th Anniversary of their historic trans-Atlantic flight that began at Municipal Airport—since renamed Midway Airport—which is located in Illinois' Third Congressional District on Chicago's Southwest Side.

Inspired by witnessing Charles A. Lindbergh's historic flight from New York to Paris, Stephen Darius returned home to Chicago after serving his country in World War I determined to fly non-stop across the Atlantic. In Chicago he met Stanley Girenas, a former Army airplane mechanic. Sharing a common Lithuanian heritage and military background, Darius proposed a first ever non-stop flight from New York to Kaunas, Lithuania. Girenas liked the idea and agreed to be Darius' co-pilot.

Securing adequate funding for their flight was especially difficult during the Great Depression. The two men pooled their savings and purchased a used six passenger airplane that required extensive repairs and modifications. Representatives of Chicago's Lithuanian community came to the aid of Darius and Girenas and formed a Flight Sponsors Committee in order to raise the necessary funds. The Committee raised approximately $4,200

to support the flight, a monumental sum in 1932.

Darius and Girenas embarked on the first leg of their journey from Chicago to New York on May 7th, 1933, on their newly christened airplane, the LITUANICA. After various weather and organizational delays, the two men took off from New York bound for Lithuania on July 15th, carrying a large bag of letters destined for friends and family in Kaunas. Sadly, their plane was lost over the town of Soldin, Germany, 70 miles northeast of Berlin due to heavy storms, and they never reached Lithuania.

It is my great privilege to recognize Stephen Darius and Stanley Girenas for their historic trans-Atlantic flight and their contributions to early aviation, to the American Lithuanian community, to Chicago—which has the largest Lithuanian community outside of Lithuania, and to the United States and Lithuania.

NEW YORK CARIB NEWS RECOGNIZES BOROUGH PRESIDENT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. RANGEL. Madam Speaker, I rise today to enter into the RECORD a June 24, 2008 article about Adolfo Carrion in the New York Carib News. Mr. Carrion is the Borough President of the Bronx and has served in that capacity since 2001.

In his seven years as President, Mr. Carrion has aided in bringing down unemployment and speeding up housing development in the borough. Most notable is Mr. Carrion's fresh approach to the economic mindset of those in the notoriously depressed neighborhoods of the South Bronx; he wants to ''shift people's thinking about how they're going to succeed in the New York economy . . . from social intervention to economic growth and opportunity.'' Mr. Carrion's vision for a new way of facilitating economic growth through changing the way that people think is indicative of the innovation and economic will that Caribbean Americans contribute to the continued growth of the New York economy.

Mr. Carrion's next goal is to become the City Comptroller. He believes that the position will further help him elevate the economic standards in the borough as an integral part of the economic revival of the city as a whole. His success is yet another testament to the tenacious spirit and strong will of the millions of Caribbean immigrants that are so much a part of New York City and America.

HONORING EMMA ABERNATHY

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mrs. BLACKBURN. Madam Speaker, this June, the Fort Campbell community honored the life and service of a trusted and treasured teacher, the late Emma Green Evans Abernathy.

A dedicated teacher for over 40 years, Emma touched countless lives, especially during her time teaching at Marshall Elementary on Fort Campbell. She provided much wisdom, encouragement, and counsel to military children and their parents by drawing upon her own experience as a military spouse.

After earning a degree in Elementary Education from Morris College in South Carolina, Emma later studied at South Carolina State College and Austin Peay State University in Clarksville, Tennessee. Emma actively served as a member of Soldier's Chapel on Fort Campbell, where she taught Sunday school, sang in the choir, and served as the Sunday School Superintendent. In addition, Emma contributed her time to such civic groups as the Order of the Eastern Star, the NAACP, and Alpha Kappa Alpha Sorority.

Along with Emma's husband, James Abernathy, her children and grandchildren, the entire Fort Campbell and Clarksville community celebrates the life of this remarkable woman.

Madam Speaker, I ask my colleagues to join me in reflecting on the outstanding example of balancing family, business and community service that Emma set. Many Tennesseans are better for having known her.

TRIBUTE TO RECIPIENTS OF CONGRESSIONAL AWARD GOLD MEDAL

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. MOORE of Kansas. Madam Speaker, last month I was honored to participate in a ceremony honoring four local Kansas residents for their contributions to local communities and commitment to personal development. Honorees received the 2008 Congressional Award Gold Medal during a reception on Capitol Hill.

I was proud to help celebrate the achievements of these outstanding young men and women and honor them with this distinguished award. Their dedication to helping others and self-improvement is not only inspiring, but it reminds us that changing the world starts with each of us.

Sydney Ayers, one of today's recipients and a resident of Leawood, spoke during the June 19th ceremony, providing reflections on her achievement and the importance of community service.

Earning the Congressional Award Gold Medal requires a significant commitment, in both time and energy. Each participant must spend two years or more completing at least 400 hours of community service, 200 hours of both personal development and physical fitness activities and a 4-night Expedition or Exploration. The Congressional Award Gold Medal is the pinnacle of these achievements.

The 2008 Kansas 3rd District recipients are:

Sydney Ayers, Leawood, worked with children and the elderly, volunteering at several locations across the United States and Mexico. She performed in plays, worked as the backstage manager for several productions and took ballroom dance lessons, in addition to playing high school tennis, USTA tennis and managing the boys' high school team. She also planned and completed a 5-day adventure in the Alaskan wilderness.

Benjamin Connell, Lenexa, volunteered at Lakeview Village Nursing Home and the Boys and Girls Club, mentoring young children, facilitating anti-drug/alcohol lessons and tutoring. He also worked in the career development office at Kansas State University, learning how to teach and counsel students. Ben focused on exercising and participating in intramural sports and backpacked at Philmont Scout Ranch in New Mexico.

Christopher Connell, Lenexa, raised funds for charitable causes, mentored young children and helped the elderly with a variety of tasks in addition to working as a waiter at an assisted living facility. Cross Country running and lifting weights improved his 5K running time. Chris also spent six nights in the wilderness at Double H Ranch, which is associated with Philmont Scout Ranch in New Mexico.

Nicholas Connell, Lenexa, shared his musical talent by preparing a repertoire of music, including Peter and the Wolf, on the oboe and holding public performances in several different venues. Nick's creative talents also include writing, for which he won a 1st place prize for a piece of short fiction. He pushed himself physically by running on a treadmill and consistently exercising on an elliptical machine, in addition to hiking over 60 miles at Philmont Scout Ranch in New Mexico.

I am pleased to include in the CONGRESSIONAL RECORD two articles from the Kansas City Star highlighting this award and the outstanding young Kansans who received it.

[From the Kansas City Star, June 28, 2008]

LENEXA BROTHERS WIN CONGRESSIONAL AWARD GOLD MEDAL

(By Alexia Lang)

Hard work and dedication earned three Lenexa brothers the 2008 Congressional Award Gold Medal.

Benjamin, Christopher and Nicholas Connell traveled to Capitol Hill for the award ceremony recently; they were representing three out of four Kansas residents to receive the award. Sydney Ayers, 17, of Leawood, was the fourth recipient.

Congressman Dennis Moore participated in the ceremony, citing their achievements as inspiring.

''Their dedication to helping others and to self-improvement is not only inspiring, but it reminds us that changing the world starts with each of us,'' Moore said.

In order to qualify for the medal, applicants must spend two or more years completing at least 400 hours of community service, 200 hours of personal development, 200 hours of physical fitness activities and a four-night expedition or exploration.

Nicholas Connell, 22, said his mother found out about the award and he decided to pursue it in 1999.

''It so happened that a lot of the requirements for the Congressional Award coincided with things I was already doing for Scouting, or with school activities, etc.,'' he said.

Nicholas prepared and performed music on the oboe for several public performances, including charity concerts at local schools and assisted living centers.

He also was able to gather and send school supplies to children in need in Mexico.

To satisfy his four-night expedition or exploration requirement, Nicholas hiked over 60 miles at Philmont Scout Ranch in New Mexico.

Benjamin Connell, 24, also began the program in 1999. He said he was attracted to the structure and direction for setting goals the program would bring to his life.

''It also provided accountability in attaining my goals because my advisors tracked my progress,'' he added.

Benjamin spent most of his community service time at Lakeview Village Retirement

Center in Lenexa and the Boy's and Girl's Club in Manhattan, Kan.

At Lakeview Village, he assisted the elderly in daily activities and ran bingo games in Lakeview's Health Center.

The Boy's and Girl's Club provided opportunities for Benjamin to tutor elementary-age students, facilitate anti-drug and anti-alcohol programs and provide structured after-school activities.

Benjamin said he would encourage others to work for this award because it challenges participants to get out into the community outside of their comfort zone.

''I think this award helps youth build a strong, goal driven foundation that is focused on service,'' he said.

The youngest brother to receive the award, Christopher Connell, 19, said he has enjoyed serving others since beginning the program in 2002.

His service hours include volunteering at Lakeview Village Retirement Community, fundraising for charity causes at Shawnee Mission West High School and planting and mulching trees at Shawnee Mission Park.

For his expedition, Christopher spent six nights in the wilderness at Double H Ranch, associated with Philmont Scout Ranch.

Christopher said this honor is awarded based on a person's willingness to improve.

''Anyone can earn this award because it isn't a competition except with yourself,'' he said.

Nicholas said he encourages others to pursue the award because many are already doing what is needed to receive it.

''You have to do the necessary paper work and enroll in the program to make sure you get the award,'' he said. ''The Congressional Award won't seek you out—you have to let them know you are working on it and provide the proper documentation.''

[From the Kansas City Star, June 28, 2008]

CONGRESSIONAL AWARD GOES TO LEAWOOD TEEN-AGER

(By Alexia Lang)

After three years of hard work and determination, Sydney Ayers got her reward: a trip to Capitol Hill to receive the Congressional Award Gold Medal from Congressman Dennis Moore.

Ayers, a 17-year-old from Leawood, was chosen from among the Kansas recipients to make a speech about the experience of being in the Congressional Award program. ''My goal was to improve the lives of others, specifically children and the elderly,'' Ayers said.

During the ceremony June 19, Moore, who presented the awards to the four Kansas recipients, said he was proud to celebrate their achievements.

''Their dedication to helping others and self-improvement is not only inspiring, but it reminds us that changing the world starts with each of us,'' he said.

Ayers decided she wanted to work for the award in eighth grade after hearing that a senior at her school had received it.

She consulted with Susan Harper, one of her teachers at Barstow School, and they mapped out a plan that would allow her to accomplish her goal in three years. Harper became her mentor/sponsor.

To qualify for the medal, applicants must spend two or more years completing at least 400 hours of community service, 200 hours of personal development, 200 hours of physical fitness activities, and a four-night expedition or exploration.

Sherry Dodds Ayers, Sydney's mother, said, ''Since this was such a big project, she was very careful to pick things that were realistic. There are many kids who start this program and never finish.''

Ayers completed her community service hours by volunteering at a memory care center, a retirement home, a children's home, an orphanage in Mexico and for Christmas in October.

She superseded the physical activity requirements, finishing with 638 hours. She is a member of the varsity tennis and cheerleading teams as well as USTA tennis and managed the boys high school tennis team.

To satisfy the 200 hours of personal development, Ayers participated in theatrical productions in roles ranging from actor to stagehand to backstage manager.

''The personal development was to gain a better appreciation of the arts,'' her mother said.

Ayers' final project was a trip to Alaska with her grandfather that she planned, organized and executed by herself. They spent five days and four nights in a cabin with limited electricity preparing all their food and hiking for water.

Ayers said her trip to a Mexican orphanage was one of the most rewarding experiences.

''It was far outside of my comfort zone and my cultural zone,'' she said.

She added that she learned and experienced something different everywhere she went.

Sherry Ayers said she is most proud that her daughter stuck with the program and completed her goal.

''It's a lot of hard work,'' she said.

Ayers said she would recommend the program to others because of the return on the hard work invested.

She said, ''After how hard it is and how dedicated you have to be, it's nice to see the result after all of these years.''

RECOGNIZING THE MINNESOTA CHAPTER OF THE FORMOSAN ASSOCIATION FOR PUBLIC AFFAIRS AND SUPPORTING TAIWAN'S MEMBERSHIP INTO THE WORLD HEALTH ORGANIZATION

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mrs. BACHMANN. Madam Speaker, I rise to honor the Minnesota chapter of the Formosan Association for Public Affairs, FAPA, which has done an exemplary job of keeping the voice of the Taiwanese people alive in my State of Minnesota. This organization has spoken for the people of Taiwan on many important issues including the all important matter of supporting Taiwan's membership into the World Health Organization, WHO.

The WHO is an important international organization that works to attain the highest possible level of health for all people. Unfortunately, the 23 million citizens of Taiwan are denied access to this organization and are unable to take part in international health forums, programs and benefits conducted by the WHO.

The large volume of international travel to Taiwan heightens the transmission of communicable diseases and makes Taiwan an ideal candidate for membership in the organization. For this reason alone, Taiwan and its people should be allowed to participate in the health services and medical protections offered by the World Health Organization.

Madam Speaker, I rise to honor the Minnesota chapter of the FAPA for their continued efforts to defend Taiwan. And, I urge you to join me in supporting Taiwan's inclusion in the World Health Organization.

CICELY TYSON RECOGNIZED AT 2008 CARIBBEAN HERITAGE SALUTE TO HOLLYWOOD AND THE ARTS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. RANGEL. Madam Speaker, I rise to enter into the RECORD an article entitled: ''Actress Cicely Tyson to be Honored at the 2008 Caribbean Heritage Salute to Hollywood and the Arts,'' which appeared in the June 24th edition of the New York Carib News, our local weekly newspaper which chronicles and recognizes the achievements of people of caribbean origin. Ms. Tyson is a legandary actress and has appeared in timeless works such as the miniseries ''Roots,'' the daytime soap ''The Guiding Light,'' and the popular TV show ''The Women of Brewster Place.''

Cicely Tyson is the daughter of immigrants who came to the United States after leaving the Caribbean island of Nevis. This legendary actress began her career in the '50s and has built up her reputation as a remarkable dramatic actress who continues to grace the screen of television and film today.

Tyson's success is another testament to the courageous spirit and deep determination of Caribbean Americans. Their contributions are innumerable and integral to American culture and were deservedly celebrated during last months Caribbean Heritage Month activities.

IN REMEMBRANCE OF HELEN K. JONES

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. KUCINICH. Madam Speaker, I rise today in remembrance of Helen K. Jones, and in honor of her dedication and leadership in the field of behavioral health and substance abuse treatment in the Greater Cleveland Area.

Helen Jones was born in Cleveland, Ohio, where she earned her degree in Social Work from Cleveland State University and her master's degree in Social Service Administration from Case Western Reserve University. Her compassion and advocacy on behalf of others led her to pursue a career in the behavioral health field, where she would emerge as a leader and well-known figure in the Greater Cleveland Area. In her role as President and CEO of Recovery Resources, Inc, a non-profit organization which treats and helps people overcome mental illness and substance abuse addictions, she changed the local system of treating behavioral health problems. In 1988, she began working with Neighborhood Counseling Services until it merged with Recovery Resources, Inc. in 2000, when she was appointed Chief Operating Officer. Under her leadership and advocacy, the budget and staff of Recovery Resources, Inc. increased significantly, making it one of the largest and most

successful non-profit corporations in the Greater Cleveland Area and in the state of Ohio.

Helen worked alongside many in the Greater Cleveland Community in variety of leadership roles. She worked often with the Cuyahoga County Community Mental Health Board and was past chairwoman of the Mental Health Advocacy Coalition. She also served on the Board of Directors of the National Council on Alcoholism and Drug Dependence, Midtown Cleveland and on the Board of the Beck Center for Arts in Lakewood. Helen was also a member of the National Association of Social Workers and the United Way Council of Agency Executives. She was recognized on numerous occasions for her distinguished leadership in the field of behavioral health. This past May, Helen was one of Crain's Cleveland Business Women of Note honorees and in 2004, was awarded the Woodruff Foundation Prize in recognition of her work in the behavioral health field.

Madam Speaker and colleagues, please join me in remembrance of Helen Jones, and in celebration of a life dedicated to serving her community. Let her advocacy on behalf of the welfare of others serve as an inspiration for us all.

TRIBUTE TO IOWA RIVER HOSPICE

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. LATHAM. Madam Speaker, I rise today to congratulate Iowa River Hospice, serving the communities of Marshall, Tama, Hardin and Grundy counties in Iowa, on celebrating their 25th Anniversary. I also wish to express my appreciation for their commitment to providing a comforting service to Iowans.

In 1983, President Ronald Reagan signed legislation in to law that made hospice care Medicare certified and Iowa River Hospice became incorporated. Iowa River Hospice has cared for over 1,900 patients and their families over the past three decades. Hospice care is something that we all wish was not necessary, but is a life touching service which is needed to allow terminal patients to live the final moments of their lives to the fullest. Hospice also helps families cope with the loss of a loved one close to them. Iowa River Hospice is in the process of building a new hospice home and plan on opening their doors in early 2009.

Iowa River Hospice is dedicated to benefiting Iowans during an extremely difficult time. It is an honor to represent Executive Director Marilee Lawler, and all the members of the Iowa River Hospice team in the United States Congress and I wish them continued success in their future service to central Iowans.

TRIBUTE TO LARRY PARRISH

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Riverside, California, are exceptional. Riverside has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Larry Parrish is one of these individuals. On July 24, 2008, a retirement dinner will be held in honor of Larry's 16 years of service as the county executive officer for Riverside County.

As the county executive officer, Larry manages county finances and operations, consistent with the policies established by the Board of Supervisors. In January 1995, supervisors centralized Mr. Parrish's managerial role by expanding his oversight of the many and diverse services provided to the county's 1.4 million residents. Under Larry's leadership, county departments have charted an aggressive course to meet the board's vision of targeting scarce resources to sustain high-priority services despite State reductions to local funding.

Mr. Parrish's 32-year career in county government includes key positions with both local and statewide focus. His experience as a county executive spans nearly 15 years, having served in this capacity in both Santa Barbara and Orange Counties. Prior to coming to Riverside County, he also spent 2 years as a Sacramento-based legislative advocate. Mr. Parrish entered county government in the probation field, rising to become chief probation officer for the counties of Santa Cruz and Santa Barbara.

For 8 years, Mr. Parrish served as a school board member of Santa Cruz City Schools. He was an instructor at Cabrillo Junior College in Santa Cruz County and a lecturer at the U.C. Irvine Graduate School of Management. He has also served as a Finance Corporation Board Member for the California State Association of Counties. Larry received a B.A. in sociology from Northwest Nazarene College, Nampa, Idaho.

In 1996, the University of California at Riverside named Mr. Parrish Public Management Leader of the Year. Mr. Parrish and his wife, Kathie, currently reside in Rancho Mirage, California. He has two grown children, one granddaughter and one grandson.

Larry's tireless passion for community service has contributed immensely to the betterment of the community of Riverside, California. I am proud to call Larry a fellow community member, American and friend. I know that many community members are grateful for his service and salute him as he retires.

THE DAILY 45: HONORING CHICAGO POLICE OFFICER RICHARD FRANCIS

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. RUSH. Madam Speaker, the Department of Justice tells us that, every day, 45 people, on average, are fatally shot in the United States. Sometimes, sadly, the victims of this carnage are the men and women who've pledged to serve and protect our society. Today, I reflect on the senseless loss of life of 60-year-old Chicago Police Officer Richard M. Francis. Officer Francis was a 27-year veteran of the force and a first class officer. A heroic Vietnam War Veteran and a member of the Navy Special Forces, Officer Francis survived two bomb attacks in the Mekong Delta and was described by friends, family and coworkers as a man who loved life. But, on July 2nd, Francis could not survive a bullet discharged when a homeless woman grabbed his service revolver and shot him in the head.

Officer Francis leaves behind his wife of 10 years, Deborah, and his mentally challenged stepdaughter, Bianca. While charges are pending against his alleged perpetrator, the cruel irony is that this man who loved his job, loved his family and survived the Vietcong, lost his life in an instant when an allegedly disturbed woman got her hands on his weapon.

On behalf of my constituents and a grieving city, I extend my prayers and sincere condolences to Officer Francis' family and friends.

Americans of conscience must come together to stop the senseless death of "The Daily 45." When will we say "enough is enough, stop the killing!"

ON THE OCCASION OF MIKE AND BEV HOLLAND'S 40TH ANNIVERSARY

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. McHUGH. Madam Speaker, I rise today to recognize Mr. and Mrs. Michael D. Holland, Sr., as they celebrate their 40th wedding anniversary. They were married in the Dutch Reformed Church of Kinderhook, New York, on July 13,1968.

Mike and Beverly reside in the Town of Brandon in northern Franklin County, New York, which I have the privilege of representing. Mike and Bev have lived there since 1971 and have long operated a farm, on which they currently have about 50 beef cattle and calves.

Prior to their retirements in 2001, Mike and Bev taught in the Malone Central School System. Bev taught fourth grade at Flanders Elementary School while Mike taught fifth grade at St. Joseph's Elementary School, where he also spent many hours supervising intramural sports during lunch recesses. Mike, who is also known for good reason as "Coach Holland," coached Franklin Academy High School's junior varsity (1968–1985) and varsity baseball teams (1986–2001), the modified football team at the Malone Middle School, and various Malone Minor Hockey teams, including one New York State Class "C" championship team.

In addition to the work involved in raising their three children, Mike, Maya, and Jesse, Bev was very involved with the Franklin County 4–H Horse Club and the Franklin County Trailriders Association. Today, she remains busy as a volunteer for the Franklin County House of History and as a grandmother to Joseph and Maybelle Alvarez. Accordingly, I now extend my sincere congratulations and best wishes to Mike and Bev Holland on the occasion of their 40th wedding anniversary.

PERSONAL EXPLANATION

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. SCHIFF. Madam Speaker, I was unavoidably detained, due to a personal family matter, and unable to be present for votes on June 23, 2008 and July 8, 2008.

Had I been present on June 23, I would have voted ''yea'' on each of rollcall Nos. 438, 439, and 440.

Had I been present on July 8, I would have voted ''yea'' on each of rollcall Nos. 471, 472, and 473.

IN TRIBUTE TO ROBERT LELAND KNIGHT

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. BARTON of Texas. Madam Speaker, I rise today to remember and honor a true Texas hero. Teague Fire Chief Robert Leland Knight was killed in the line of duty on July 5th. He was only 42-years-old.

Chief Knight was a member of the Teague Volunteer Fire Department for almost 20 years. He became chief in 1999.

But his involvement in the community didn't stop there. He was also a volunteer paramedic, a member of the Boggy Masonic Lodge No. 739, and active in the First United Methodist Church.

He was also a proud graduate of Texas A&M University. I am honored to call myself an Aggie, not just because it is a great institution, but because it produces great men like Chief Knight.

Friends and family will tell you his love of his community and his alma mater were only trumped by one thing—his love of family. Chief Knight was a brother, a husband and a father. He is survived by his wife Terri Jo and his children—son, Trent and daughters, Layla and Laura.

My prayers are with Chief Knight's family and the town of Teague as they struggle to overcome this great loss. I hope they are comforted by the good memories and the examples of service to others he left with them.

Thousands of volunteer first responders put their lives on the line everyday. They run into burning buildings, respond to medical emergencies, and confront criminals—not because it's their job, but because they want to make their community a better, safer place.

Chief Knight made Teague and the State of Texas a better, safer place. Even though he is now gone, I am hopeful the way he lived will inspire a new generation of community volunteers because that would be the best way to honor this heroic man.

TRIBUTE TO MICHAEL WARREN

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Corona, California are exceptional. Corona has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Michael Warren is one of these individuals. On July 3, 2008, Michael retired after 14 years as the Chief of the Corona Fire Department and a celebration will be held this Saturday, July 12, 2008, in his honor.

Michael Warren was the Fire Chief for the City of Corona since May 1994 and also served as the Emergency Services Director for the City of Corona. In addition, Chief Warren serves as the Operational Area Mutual Aid Coordinator for the Governor's Office of Emergency Services. The Corona Fire Department currently employs a staff of 146 members and operates the suppression activities for the city from seven fire stations. In addition to being the Fire Chief, Chief Warren has served as the Acting Police Chief and Acting Utilities Director for the City of Corona. In his capacity as Fire Chief along with the ''Acting'' assignments he has worked closely with all of the other municipal departments creating collaborative solutions to city wide problems.

Chief Warren previously was the Deputy Chief for the California Department of Forestry and Fire Protection/San Bernardino County Fire Department and Mutual Aid Operational Area Coordinator, and served with the U.S. Forest Service. He has over 36 years of experience in the fire service, serving on major emergency incidents throughout the United States. Chief Warren was a member of the National Emergency Incident Management Team. He has presented discussions on large scale emergency incident management to other state emergency organizations including the State of New York and at the International Association of Fire Chiefs conference.

Chief Warren was the President of the California Fire Chiefs Association from 2004–06, and held the Legislative Director position for the California Fire Chiefs Association. In addition, he serves on the Governor's Homeland Security Public Safety Advisory Council. Chief Warren was a member on the Public Safety Policy Committee for the League of California Cities, Vice Chair of the Inland Empire Affiliate of Burn Institute, is an active member of the board on Alternatives to Domestic Violence, and the Rotary Club. He was appointed to the California Emergency Council in 2006 by Governor Schwarzenegger. At the request of the Governor, Chief Warren has been Chairing the Blue Ribbon Commission Task Force since 2004.

In the aftermath of Hurricane Katrina, Chief Warren was asked to serve as one of ten national experts on a nationwide program to assist other states in developing their own mutual aid programs and systems. He has worked with Idaho, Wyoming, Colorado and Tennessee and is currently working with Utah, Nevada, Hawaii and Alaska. In the State of California, Chief Warren participates in discussions relative to amendments and changes to California's Mutual Aid program. In that capacity he also works directly with Federal Cooperators. Having served his entire career in the California Fire Service, he has participated in the development of ICS in the early 1970s up to and including the most recent discussions on revisions to the State's plan.

Chief Warren attended Chaffey College and Northern Arizona University, attaining degrees and certificates in professional forestry, fire science and police science.

Chief Warren's expertise and tireless passion for the well-being and safety of the community has contributed immensely to the betterment of the City of Corona and the State of California. I am proud to call Michael a fellow community member, American and friend. I know that many community members are grateful for his service and salute him as he retires.

HONORING MORRISTOWN NATIONAL HISTORIC PARK

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to honor the Morristown National Historic Park, county of Morris, New Jersey, as we commemorate its 75th anniversary.

During two critical winters of the Revolutionary War, 1777 and 1779–80, the countryside in and around Morristown, New Jersey, sheltered the main encampments of the American Continental Army and served as the headquarters of its Commander-in-Chief, General George Washington. The winter of 1779–1780 is largely agreed upon by weather historians to be the worst winter of the 18th century, even worse than the winter of 1777–1778 at Valley Forge, But, due to better construction standards, proper sanitation, and better training, the winter of 1779–1780 turned out to be much more successful than prior winter at Valley Forge.

General Washington twice chose Morristown due to its strategic location, including proximity to New York City, defensible terrain, important communication routes, access to critical resources, and a supportive community. Morristown's location put it at the crossroads between supply lines connecting Philadelphia, and New England. And the town was close enough to New York to keep a watchful eye over the British encampment on Manhattan Island. This central location allowed Washington to move his army quickly to either New York or Philadelphia if need be. The park encompasses ground occupied by the army during the 1779–80 encampment, and the site of the fortification from the 1777 encampment.

The National Park consists of four noncontiguous units: Washington's Headquarters with the Ford mansion and headquarters museum, the Fort Nonsense Unit, the Jockey Hollow Unit, and the New Jersey Brigade Area. The Ford mansion, where Washington made his headquarters, is an important feature of the Park and recalls civilian contributions to the winning of our independence.

The Ford mansion has a very interesting history. It was built between 1772 and 1774 and was initially the home of COL Jacob Ford, Jr. Ford was a landowner, iron manufacturer, dedicated patriot, and colonel of the Eastern Battalion of New Jersey's militia. Through his command, Ford had participated in the first battle of Springfield. But, tragedy befell Ford shortly after the battle, when he was stricken with pneumonia. He died on January 10, 1777, After Jacob Ford's death, his widow Theodosia offered the mansion to General Washington to use as his winter quarters.

General Washington and his aide-de-camp Alexander Hamilton, would use the mansion to formulate strategy for many of the revolution's greatest campaigns. Washington also used the house to write some of the most important letters of the revolution. The Ford mansion housed some of the most important figures of the revolution including the Marquis de Lafayette, General Schuyler, General Nathaniel Greene, General Henry Knox, and the infamous general, turned traitor, Benedict Arnold. It has been said that the Ford mansion has housed more prominent figures known to the military history of our revolution than any other residence in America. It is because of this rich history, that Morristown has been cited as the military capital of the revolution.

On March 2, 1933, President Herbert Hoover signed Morristown National Historic Park into existence. It is the first National Historic Park in the United States. The park's mission is to interpret the extraordinary fortitude of the officers and enlisted men under Washington's leadership and the important subsequent commemoration of these crucial events of the American Revolution. The National Park Service and the Washington Association of New Jersey, a not-for-profit organization formed over 130 years ago to preserve Morristown's Revolutionary War landmarks, especially the Ford mansion, work to protect the landscape and historic resources of the Continental Army's winter encampments and other nearby Revolutionary War military and civilian sites for the benefit and inspiration of all. The Washington Association is the original keeper of the Ford mansion, also known as Washington's Headquarters, and continues to raise private funds for its renovations, and that of the museum, and its educational programs and remarkable archives.

The Washington Association of New Jersey was founded in Morristown in June 1873. On March 20, 1874, the New Jersey State Legislature chartered the Washington Association as a stock-granting corporation in New Jersey. The association would be responsible for preserving the mansion until 1933 when it was donated to the Federal Government, and designated the first National Historic Park.

The park's mission is to interpret the extraordinary fortitude of the officers and enlisted men under Washington's leadership and the important subsequent commemoration of these crucial events of the American Revolution.

Madam Speaker, for the past 75 years, the Morristown National Historic Park has been an educational and heartfelt piece of history in this district. I ask you, Madam Speaker, and my colleagues to honor the Morristown National Historic Park, its dedicated employees and its many volunteer supporters as our Nation's first historic park celebrates a very special 75th anniversary.

A TRIBUTE TO GENERAL DAN K. McNEILL

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. ETHERIDGE. Madam Speaker, I rise today to pay tribute to GEN Dan K. McNeill on his retirement as commanding officer of the International Security Assistance Force (ISAF) in Afghanistan. General McNeill assumed command of the International Security Assistance Force (ISAF) on February 4, 2007, following a tour of duty as Commanding General, of the U.S. Army Forces Command, and the U.S. Army's force generation command.

General McNeill is a native son of Warsaw, North Carolina. He attended North Carolina State University (NCSU) where he began his military career. He graduated in 1968 with a bachelor of science degree in forestry and was commissioned as a second lieutenant of Infantry through the ROTC Program. In 1989, General McNeill graduated from the U.S. Army War College where he became a career infantry officer. He also attended United States Army Command and General Staff College.

General McNeill has held several positions throughout his military career, some of his past assignments include Deputy Commanding General/Chief of Staff, United States Army Forces Command at Fort McPherson, Georgia. Commanding General of the XVIII Airborne Corps at Fort Bragg, North Carolina where his duties include Combined Joint Task Force 180, and Operation Enduring Freedom in Afghanistan. He was Commanding General of the 82nd Airborne Division in Fort Bragg, North Carolina. And Assistant Chief of Staff G–3, XVIII Airborne Corps, including tours in Uphold Democracy, Operation Just Cause, Panama and Operation Desert Shield/Desert Storm.

GEN Dan K. McNeill's innovative leadership and unique vision have earned him widespread recognition. His numerous decorations and badges include the Defense Distinguished Service Medal (with 2 Oak Leaf Clusters), Legion of Merit (with 4 Oak Leaf Clusters), Bronze Star Medal (with 2 Oak Leaf Clusters), and Meritorious Service Medal (with 3 Oak Leaf Clusters), all of which acknowledge General McNeill's unfailing commitment to improving the lives of his fellow Americans.

Madam Speaker, General McNeill is an exemplary figure of patriotism, leadership, dedication, and commitment. As a former soldier, I am proud to honor the career of GEN Dan K. McNeill today. I ask all of my colleagues to join my wife, Faye, and me in celebrating his 40 years of military service to the United States Army and to the State of North Carolina.

SOMETHING BIG IS HAPPENING

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. PAUL. Madam Speaker, I have, for the past 35 years, expressed my grave concern for the future of America. The course we have taken over the past century has threatened our liberties, security and prosperity. In spite of these long-held concerns, I have days—growing more frequent all the time—when I'm convinced the time is now upon us that some Big Events are about to occur. These fast-approaching events will not go unnoticed. They will affect all of us. They will not be limited to just some areas of our country. The world economy and political system will share in the chaos about to be unleashed.

Though the world has long suffered from the senselessness of wars that should have been avoided, my greatest fear is that the course on which we find ourselves will bring even greater conflict and economic suffering to the innocent people of the world—unless we quickly change our ways.

America, with her traditions of free markets and property rights, led the way toward great wealth and progress throughout the world as well as at home. Since we have lost our confidence in the principles of liberty, self reliance, hard work and frugality, and instead took on empire building, financed through inflation and debt, all this has changed. This is indeed frightening and an historic event.

The problem we face is not new in history. Authoritarianism has been around a long time. For centuries, inflation and debt have been used by tyrants to hold power, promote aggression, and provide ''bread and circuses'' for the people. The notion that a country can afford ''guns and butter'' with no significant penalty existed even before the 1960s when it became a popular slogan. It was then, though, we were told the Vietnam War and a massive expansion of the welfare state were not problems. The seventies proved that assumption wrong.

Today things are different from even ancient times or the 1970s. There is something to the argument that we are now a global economy. The world has more people and is more integrated due to modern technology, communications, and travel. If modern technology had been used to promote the ideas of liberty, free markets, sound money and trade, it would have ushered in a new golden age—a globalism we could accept.

Instead, the wealth and freedom we now enjoy are shrinking and rest upon a fragile philosophic infrastructure. It is not unlike the levies and bridges in our own country that our system of war and welfare has caused us to ignore.

I'm fearful that my concerns have been legitimate and may even be worse than I first thought. They are now at our doorstep. Time is short for making a course correction before this grand experiment in liberty goes into deep hibernation.

There are reasons to believe this coming crisis is different and bigger than the world has ever experienced. Instead of using globalism in a positive fashion, it's been used to globalize all of the mistakes of the politicians, bureaucrats and central bankers.

Being an unchallenged sole superpower was never accepted by us with a sense of humility and respect. Our arrogance and aggressiveness have been used to promote a world empire backed by the most powerful army of history. This type of globalist intervention creates problems for all citizens of the world and fails to contribute to the well-being of the world's populations. Just think how our personal liberties have been trashed here at home in the last decade.

The financial crisis, still in its early stages, is apparent to everyone: gasoline prices over $4 a gallon; skyrocketing education and medical-care costs; the collapse of the housing bubble; the bursting of the NASDAQ bubble; stock markets plunging; unemployment rising; massive underemployment; excessive government debt; and unmanageable personal debt. Little doubt exists as to whether we'll get stagflation. The question that will soon be asked is: When will the stagflation become an inflationary depression?

There are various reasons that the world economy has been globalized and the problems we face are worldwide. We cannot understand what we're facing without understanding fiat money and the long-developing dollar bubble.

There were several stages. From the inception of the Federal Reserve System in 1913 to 1933, the Central Bank established itself as the official dollar manager. By 1933, Americans could no longer own gold, thus removing restraint on the Federal Reserve to inflate for war and welfare.

By 1945, further restraints were removed by creating the Bretton-Woods Monetary System making the dollar the reserve currency of the world. This system lasted up until 1971. During the period between 1945 and 1971, some restraints on the Fed remained in place. Foreigners, but not Americans, could convert dollars to gold at $35 an ounce. Due to the excessive dollars being created, that system came to an end in 1971.

It's the post Bretton-Woods system that was responsible for globalizing inflation and markets and for generating a gigantic worldwide dollar bubble. That bubble is now bursting, and we're seeing what it's like to suffer the consequences of the many previous economic errors.

Ironically in these past 35 years, we have benefited from this very flawed system. Because the world accepted dollars as if they were gold, we only had to counterfeit more dollars, spend them overseas (indirectly encouraging our jobs to go overseas as well) and enjoy unearned prosperity. Those who took our dollars and gave us goods and services were only too anxious to loan those dollars back to us. This allowed us to export our inflation and delay the consequences we now are starting to see.

But it was never destined to last, and now we have to pay the piper. Our huge foreign debt must be paid or liquidated. Our entitlements are coming due just as the world has become more reluctant to hold dollars. The consequence of that decision is price inflation in this country—and that's what we are witnessing today. Already price inflation overseas is even higher than here at home as a consequence of foreign central banks' willingness to monetize our debt.

Printing dollars over long periods of time may not immediately push prices up—yet in time it always does. Now we're seeing catch-up for past inflating of the monetary supply. As bad as it is today with $4 a gallon gasoline, this is just the beginning. It's a gross distraction to hound away at "drill, drill, drill" as a solution to the dollar crisis and high gasoline prices. Its okay to let the market increase supplies and drill, but that issue is a gross distraction from the sins of deficits and Federal Reserve monetary shenanigans.

This bubble is different and bigger for another reason. The central banks of the world secretly collude to centrally plan the world economy. I'm convinced that agreements among central banks to "monetize" U.S. debt these past 15 years have existed, although secretly and out of the reach of any oversight of anyone—especially the U.S. Congress that doesn't care, or just flat doesn't understand. As this "gift" to us comes to an end, our problems worsen. The central banks and the various governments are very powerful, but eventually the markets overwhelm when the people who get stuck holding the bag (of bad dollars) catch on and spend the dollars into the economy with emotional zeal, thus igniting inflationary fever.

This time—since there are so many dollars and so many countries involved—the Fed has been able to "paper" over every approaching crisis for the past 15 years, especially with Alan Greenspan as Chairman of the Federal Reserve Board, which has allowed the bubble to become history's greatest.

The mistakes made with excessive credit at artificially low rates are huge, and the market is demanding a correction. This involves excessive debt, misdirected investments, over-investments, and all the other problems caused by the government when spending the money they should never have had. Foreign militarism, welfare handouts and $80 trillion entitlement promises are all coming to an end. We don't have the money or the wealth-creating capacity to catch up and care for all the needs that now exist because we rejected the market economy, sound money, self reliance and the principles of liberty.

Since the correction of all this misallocation of resources is necessary and must come, one can look for some good that may come as this "Big Even" unfolds.

There are two choices that people can make. The one choice that is unavailable to us is to limp along with the status quo and prop up the system with more debt, inflation and lies. That won't happen.

One of the two choices, and the one chosen so often by government in the past is that of rejecting the principles of liberty and resorting to even bigger and more authoritarian government. Some argue that giving dictatorial powers to the President, just as we have allowed him to run the American empire, is what we should do. That's the great danger, and in this post–911 atmosphere, too many Americans are seeking safety over freedom. We have already lost too many of our personal liberties already. Real fear of economic collapse could prompt central planners to act to such a degree that the New Deal of the 30's might look like Jefferson's Declaration of Independence.

The more the government is allowed to do in taking over and running the economy, the deeper the depression gets and the longer it lasts. That was the story of the 30s and the early 40s, and the same mistakes are likely to be made again if we do not wake up.

But the good news is that it need not be so bad if we do the right thing. I saw "Something Big" happening in the past 18 months on the campaign trail. I was encouraged that we are capable of waking up and doing the right thing. I have literally met thousands of high school and college kids who are quite willing to accept the challenge and responsibility of a free society and reject the cradle-to-grave welfare that is promised them by so many do-good politicians.

If more hear the message of liberty, more will join in this effort. The failure of our foreign policy, welfare system, and monetary policies and virtually all government solutions are so readily apparent, it doesn't take that much convincing. But the positive message of how freedom works and why it's possible is what is urgently needed.

One of the best parts of accepting self reliance in a free society is that true personal satisfaction with one's own life can be achieved. This doesn't happen when the government assumes the role of guardian, parent or provider, because it eliminates a sense of pride. But the real problem is the government can't provide the safety and economic security that it claims. The so called good that government claims it can deliver is always achieved at the expense of someone else's freedom. It's a failed system and the young people know it.

Restoring a free society doesn't eliminate the need to get our house in order and to pay for the extravagant spending. But the pain would not be long-lasting if we did the right things, and best of all the empire would have to end for financial reasons. Our wars would stop, the attack on civil liberties would cease, and prosperity would return. The choices are clear: it shouldn't be difficult, but the big event now unfolding gives us a great opportunity to reverse the tide and resume the truly great American Revolution started in 1776. Opportunity knocks in spite of the urgency and the dangers we face.

Let's make "Something Big Is Happening" be the discovery that freedom works and is popular and the big economic and political event we're witnessing is a blessing in disguise.

TRIBUTE TO DR. SUSAN J. RAINEY

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and educational contributions to the community of Riverside, California, are exceptional. Riverside has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Dr. Susan Rainey is one of these individuals. On July 31, 2008, Dr. Rainey will end a decade of service to the students and families of the Riverside Unified School District, and her retirement will also mark the end of a 40-year career in education. On July 23, 2008, a dinner will be held in Dr. Rainey's honor.

Dr. Rainey has been with the Riverside Unified School District (RUSD) since July 1998 and led the District through many challenges and achievements. Under her leadership, RUSD schools have consistently achieved academic gains. RUSD has built nine new schools and modernized many others. Two of the schools have been named No Child Left Behind National Blue Ribbon Schools and 23 schools have earned the California Distinguished School Award. Individually, many students have excelled in sports, academics, and the arts. Under Dr. Rainey's leadership, each student has been afforded every opportunity for success through such programs as the Advancement Via Individual Determination (AVID) program.

Prior to joining RUSD, Dr. Rainey worked for the Yucaipa, Palo Alto, Redlands, Monrovia, Brea-Olinda, Hemet and Charter Oak school districts. She also has been involved in numerous professional and community organizations including: the Rotary Club of Riverside; American Heart Association; Association of California School Administrators; California City School Superintendents; Riverside Association of School Managers; California Association of large Suburban School Districts; and

the United Way. Dr. Rainey also serves as a docent at the Mission Inn in Riverside.

The success of the Riverside Unified School District can be attributed to the strong and inspiring leadership of retiring District Superintendent Dr. Susan Rainey. RUSD has produced National History Day and California State Science Fair, Envirothon, and Mock Trial winners, innumerable California Interscholastic Federation champions and world class artists and musicians. RUSD is home to several Riverside County principals and teachers of the year who have set a standard of excellence for others to follow.

Dr. Rainey's tireless passion for education has contributed immensely to the betterment of the community of Riverside, California. I am proud to call Dr. Rainey a fellow community member, American and friend. I know that many community members, teachers, administrators and students are grateful for her service and salute her as she retires.

SUNSET MEMORIAL

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Mr. FRANKS of Arizona. Madam Speaker, I stand once again before this House with yet another Sunset Memorial.

It is July 9, 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, Mr. 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 12,952 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, Mr. Speaker, cried and screamed as they died, but because it was amniotic fluid passing over the vocal cords instead of air, we couldn't hear them.

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.'' Mr. 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. Mr. 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.

So Madam Speaker, let me conclude this Sunset Memorial in the hope that perhaps someone new who heard it 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 12,952 days spent killing nearly 50 million unborn children in America is enough; and that it is time that we stood up together again, and remembered that we are the same America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust; and we are still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

Madam Speaker, as we consider the plight of unborn America tonight, 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 July 9, 2008, 12,952 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.

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, July 10, 2008 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 15

10 a.m.

Commerce, Science, and Transportation

Aviation Operations, Safety, and Security Subcommittee

To hold hearings to examine summer air travel, focusing on addressing congestion and delay.

SR–253

Banking, Housing, and Urban Affairs

To hold hearings to examine the semiannual monetary policy report to Congress.

SR–325

Finance

To hold hearings to examine international enforcement of intellectual property rights and American competitiveness.

SD–215

Health, Education, Labor, and Pensions

To hold hearings to examine the Americans with Disabilities Act (Public Law 101–336), focusing on ways to determine the proper scope of coverage.

SD–430

Homeland Security and Governmental Affairs

To hold hearings to examine the nomination of Gus P. Coldebella, of Massachusetts, to be General Counsel, Department of Homeland Security.

SD–342

10:15 a.m.

Foreign Relations

To hold hearings to examine the crisis in Zimbabwe and prospects for its resolution.

SD–419

10:30 a.m.

Judiciary

Antitrust, Competition Policy and Consumer Rights Subcommittee

To hold hearings to examine the Google-Yahoo agreement, focusing on the future of internet advertising.

SD–226

2:30 p.m.

Commission on Security and Cooperation in Europe

To hold hearings to examine the Supreme Courts recent decision in Boumediene v. Bush, focusing on foreign terrorism suspects held at Guantanamo Bay detention facility.

2200, Rayburn Building

JULY 16

10 a.m.

Homeland Security and Governmental Affairs

To hold hearings to examine global nuclear detection architecture, focusing on ways to build domestic defenses to combat a possible future attack.

SD–342

Judiciary

To hold hearings to examine the Administration's detainee policies and the fight against terrorism, focusing on sound legal foundations.

SD–226

Rules and Administration

To hold hearings to examine administrative and management operations of the United States Capitol Police.

SR–301

10:30 a.m.

Aging

To hold hearings to examine smart ways Americans can save for their retirement.

SD–562

2 p.m.

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine the human capital crisis at the Department of State, focusing on its global implications.

SD–342

2:30 p.m.

Health, Education, Labor, and Pensions

Children and Families Subcommittee

To hold hearings to examine childhood obesity, focusing on declining health of America's next generation (Part I).

SD–430

JULY 17

9:30 a.m.

Homeland Security and Governmental Affairs

Investigations Subcommittee

To hold hearings to examine financial institutions located in offshore tax havens, focusing on ways to strengthen United States domestic and international tax enforcement efforts.

SD–106

2:30 p.m.

Homeland Security and Governmental Affairs

Disaster Recovery Subcommittee

To hold hearings to examine major disaster recovery assessing the performance of the Federal Emergency Management Agency (FEMA) since October 2007.

SD–342

JULY 23

9:30 a.m.

Veterans' Affairs

To hold an oversight hearing to examine the Department of Veterans Affairs, focusing on responding to the needs of returning United States Guard and Reserve members.

SR–418

CORRECTION

Daily Digest

HIGHLIGHTS

Senate passed H.R. 6304, FISA Amendments Act.

Senate passed H.R. 6331, Medicare Improvements For Patients and Providers Act.

Senate

Chamber Action

Routine Proceedings, pages S6451–S6510

Measures Introduced: Three bills were introduced, as follows: S. 3234–3236. **Page S6504**

Measures Passed:

FISA Amendments Act: By 69 yeas to 28 nays (Vote No. 168), Senate passed H.R. 6304, to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, after taking action on the following amendments proposed thereto: **Pages S6454–76**

Rejected:

By 32 yeas to 66 nays (Vote No. 164), Dodd Amendment No. 5064, to strike title II. **Pages S6468–69**

Withdrawn:

By 37 yeas to 61 nays (Vote No. 165), Specter Amendment No. 5059, to limit retroactive immunity for providing assistance to the United States to instances in which a Federal court determines the assistance was provided in connection with an intelligence activity that was constitutional. (A unanimous-consent agreement was reached providing that the amendment, having failed to achieve 60 affirmative votes, be withdrawn). **Pages S6454, S6469**

By 42 yeas to 56 nays (Vote No. 166), Bingaman Amendment No. 5066, to stay pending cases against certain telecommunications companies and provide that such companies may not seek retroactive immunity until 90 days after the date the final report of the Inspectors General on the President's Surveillance Program is submitted to Congress. (A unanimous-consent agreement was reached providing that the amendment, having failed to achieve 60 affirmative votes, be withdrawn). **Pages S6454, S6469–70**

During consideration of this measure today, Senate also took the following action:

By 72 yeas to 26 nays (Vote No. 167), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the bill. **Pages S6470–71**

Medicare Improvements For Patients And Providers Act: Senate passed H.R. 6331, to amend titles XVIII and XIX of the Social Security Act to extend expiring provisions under the Medicare Program, to improve beneficiary access to preventive and mental health services, to enhance low-income benefit programs, and to maintain access to care in rural areas, including pharmacy access. **Pages S6476–90**

A unanimous-consent agreement was reached providing that the motion to proceed to the motion to reconsider Vote No. 160, taken on June 26, 2008, by which cloture was not invoked on the motion to proceed to the bill be agreed to. **Page S6451**

During consideration of this measure today, Senate also took the following action:

By 69 yeas to 30 nays (Vote No. 169), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the motion to proceed to consideration of the bill. **Page S6489**

Measures Considered:

Foreclosure Prevention Act—Agreement: Senate continued consideration of the amendment of the House of Representatives to H.R. 3221, to provide needed housing reform. **Pages S6490–93**

Senator Reid entered a motion to disagree to the amendments of the House of Representatives, adding a new title and inserting a new section to the amendment of the Senate to the bill. **Page S6490**

Senator Reid entered a motion to concur in the amendment of the House of Representatives, adding a new title to the amendment of the Senate to the

bill with the following amendments proposed thereto:

Pending:

Reid Amendment No. 5067 (to the motion to concur in the amendment of the House adding a new title to the amendment of the Senate), to change the enactment date. **Page S6490**

Reid Amendment No. 5068 (to Amendment No. 5067), of a perfecting nature. **Page S6490**

A unanimous-consent agreement was reached providing for further consideration of the amendment at approximately 9:30 a.m., on Thursday, July 10, 2008. **Page S6510**

Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act—Agreeement: Senate began consideration of the motion to proceed to consideration of S. 2731, to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria. **Pages S6493–94**

A motion was entered to close further debate on the motion to proceed to consideration of the bill, and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Friday, July 11, 2008. **Page S6493**

Nominations—Agreement: A unanimous-consent-time agreement was reached providing that on Thursday, July 10, 2008, at a time to be determined by the Majority Leader, following consultation with the Republican Leader, notwithstanding rule XXII if applicable, Senate begin consideration of 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, and that there be 20 minutes of debate to run concurrently on both nominations, with the time equally divided and controlled between the Chairman and Ranking Member of the Committee on Armed Services, that upon the use or yielding back of time, Senate vote on confirmation of the nominations, and that the second vote in the sequence be limited to 10 minutes in duration; provided further, that any time utilized during Executive Session count post-cloture, if applicable. **Pages S6509–10**

Messages from the House: **Page S6502**

Measures Referred: **Page S6502**

Measures Placed on the Calendar: **Page S6502**

Measures Read the First Time: **Pages S6502, S6510**

Executive Communications: **Pages S6502–04**

Executive Reports of Committees: **Page S6504**

Additional Cosponsors: **Pages S6504–05**

Statements on Introduced Bills/Resolutions: **Pages S6505–09**

Additional Statements: **Pages S6498–S6502**

Authorities for Committees to Meet: **Page S6509**

Privileges of the Floor: **Page S6509**

Record Votes: Six record votes were taken today. (Total—169) **Pages S6469–71, S6476, S6489**

Recess: Senate convened at 9:30 a.m. and recessed at 6:20 p.m., until 9:30 a.m. on Thursday, July 10, 2008. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S6510.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Agriculture, Nutrition, and Forestry: Committee ordered favorably reported the nominations of Walter Lukken, of Indiana, to be Chairman, and Bartholomew H. Chilton, of Delaware, and Scott O'Malia, of Michigan, both to be a Commissioner, all of the Commodity Futures Trading Commission.

APPROPRIATIONS: DOT, HUD, AND RELATED AGENCIES

Committee on Appropriations: Subcommittee on Transportation, Housing and Urban Development, and Related Agencies approved for full Committee consideration an original bill making appropriations for the Department of Transportation, Department of Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2009.

OTC CREDIT DERIVATIVES MARKET

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Securities, Insurance, and Investment concluded a hearing to examine reducing risks and improving oversight in the over-the-counter (OTC) credit derivatives market, after receiving testimony from Patrick M. Parkinson, Deputy Director, Division of Research and Statistics, Board of Governors of the Federal Reserve System; James A. Overdahl, Chief Economist, U.S. Securities and Exchange Commission; Kathryn E. Dick, Deputy Comptroller for Credit and Market Risk, Comptroller of the Currency, Administrator of National Banks, Department of the Treasury; Darrell Duffie, Stanford University Graduate School of Business, Stanford, California; Craig S. Donohue, Chicago Mercantile Exchange Group (CME) Group Inc., and

Edward J. Rosen, Clearing Corporation, both of Chicago, Illinois; and Robert Pickel, International Swaps and Derivatives Association, Washington, D.C.

ONLINE ADVERTISING PRIVACY

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine the privacy implications of online behavioral advertising, which is the practice of collecting information about an individual's online activities in order to serve advertisements that are tailored to that individual's interests, after receiving testimony from Lydia Parnes, Director, Bureau of Consumer Protection, Federal Trade Commission; Jane Horvath, Google Inc., Leslie Harris, Center for Democracy and Technology, and Wayne Crews, Competitive Enterprise Institute, all of Washington, D.C.; Bob Dykes, NebuAd, Inc., Redwood City, California; Chris Kelly, Facebook, Palo Alto, California; and Michael D. Hintze, Microsoft Corporation, Redmond, Washington.

FISHING SAFETY

Committee on Commerce, Science, and Transportation: Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard concluded a hearing to examine fishing safety, focusing on policy implications of cooperatives and vessel improvements, after receiving testimony from Commander Christopher Woodley, 13th Coast Guard District Staff, United States Coast Guard, Department of Homeland Security; James Sanchirico, University of California at Davis Department of Environmental Science and Policy; Leslie J. Hughes, North Pacific Fishing Vessel Owners' Association, John Bundy, Glacier Fish Company, Michael Hyde, American Seafoods Group, and Donna Parker, Arctic Storm Management Group, all of Seattle, Washington; and David E. Frulla, Kelley Drye and Warren LLP, Washington, D.C., on behalf of the Fishing Company of Alaska.

LANDS BILLS

Committee on Energy and Natural Resources: Subcommittee on Public Lands and Forests concluded a hearing to examine S. 2443 and H.R. 2246, bills to provide for the release of any revisionary interest of the United States in and to certain lands in Reno, Nevada, S. 2779, to amend the Surface Mining Control and Reclamation Act of 1977 to clarify that uncertified States and Indian tribes have the authority to use certain payments for certain noncoal reclamation projects, S. 2875, to authorize the Secretary of the Interior to provide grants to designated States and tribes to carry out programs to reduce the risk of livestock loss due to predation by gray wolves and other predator species or to compensate landowners for livestock loss due to predation, S. 2898, and H.R. 816, bills to provide for the release of certain land from the Sunrise Mountain Instant Study Area in the State of Nevada, S. 3088, to designate certain land in the State of Oregon as wilderness, S. 3089, to designate certain land in the State of Oregon as wilderness, to provide for the exchange of certain Federal land and non-Federal land, S. 3157, to provide for the exchange and conveyance of certain National Forest System land and other land in southeast Arizona, and S. 3179, to authorize the conveyance of certain public land in the State of New Mexico owned or leased by the Department of Energy, after receiving testimony from Senator Kyl; Alice C. Williams, Associate Administrator for Infrastructure and Environment, National Nuclear Security Administration, Department of Energy; Michael Nedd, Assistant Director, Minerals, Realty and Resource Protection, Danny Lytton, and Ed Bangs, all of the Bureau of Land Management, Department of the Interior; Joel Holtrop, Deputy Chief, National Forest System, U.S. Forest Service, Department of Agriculture; George Edwards, Montana Department of Livestock, Helena; David Salisbury, Resolution Copper Mining, LLC, Superior, Arizona; Shan Lewis, Inter Tribal Council of Arizona, Phoenix; Roger Featherstone, EARTHWORKS, Tucson, Arizona; and Charles C. Price, Daniel, Wyoming.

IRAN

Committee on Foreign Relations: Committee concluded a hearing to examine the strategic challenges posed by Iran, after receiving testimony from William J. Burns, Under Secretary of State for Political Affairs.

MEDICARE VULNERABILITIES

Committee on Homeland Security and Governmental Affairs: Permanent Subcommittee on Investigations concluded a hearing to examine Medicare vulnerabilities, focusing on payments for claims with the identification numbers of deceased doctors, after receiving testimony from Herb B. Kuhn, Deputy Administrator, Centers for Medicare and Medicaid Services, and Robert Vito, Regional Inspector General for Evaluation and Inspections, Office of Inspector General, both of the Department of Health and Human Services; and Bill Gray, Deputy Commissioner of Systems, Social Security Administration.

DEPARTMENT OF JUSTICE OVERSIGHT

Committee on the Judiciary: Committee continued oversight hearings to examine the Department of Justice, receiving testimony from Michael B. Mukasey, Attorney General, Department of Justice.

Hearings recessed subject to the call.

VETERANS DISABILITY COMPENSATION

Committee on Veterans' Affairs: Committee concluded an oversight hearing to examine veterans disability

compensation, focusing on undue delay in the claims processing system, after receiving testimony from Rear Admiral Patrick W. Dunne, USN (Ret.), Acting Under Secretary for Benefits, and Michael Walcoff, Deputy Under Secretary for Benefits, both of the Veterans Benefits Administration, Department of Veterans Affairs; Kerry Baker, Disabled American Veterans, Cold Spring, Kentucky; J. David Cox, American Federation of Government Employees, AFL–CIO, and William Rollins, Paralyzed Veterans of America, both of Washington, D.C.; and Howard Pierce, Problem-Knowledge Couplers (PKC) Corporation, Burlington, Vermont.

BUSINESS MEETING

Committee on Veterans' Affairs: Committee ordered favorably reported the nomination of Christine O. Hill, of Georgia, to be an Assistant Secretary of Veterans Affairs for Congressional Affairs.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 8 public bills, H.R. 6444–6451; and 5 resolutions, H. Con. Res. 389; and H. Res. 1325–1328 were introduced. **Pages H6341–42**

Additional Cosponsors: **Pages H6342–43**

Report Filed: A report was filed today as follows:

H.R. 4174, to establish an interagency committee to develop an ocean acidification research and monitoring plan and to establish an ocean acidification program within the National Oceanic and Atmospheric Administration, with an amendment (H. Rept. 110–749). **Page H6341**

Chaplain: The prayer was offered by the guest Chaplain, Rev. John Crosby, Christ Presbyterian Church, Minneapolis, Minnesota. **Page H6233**

Discharge Petition: Representative Roskam moved to discharge the Committee on Energy and Commerce and the Committee on Science and Technology from the consideration of H.R. 2208, to provide for a standby loan program for certain coal-to-liquid projects (Discharge Petition No. 12).

Suspensions: The House agreed to suspend the rules and pass the following measures:

Pension Protection Technical Corrections Act of 2008: H.R. 6382, to make technical corrections related to the Pension Protection Act of 2006; **Pages H6243–52**

Honoring the goal of the International Year of Astronomy: H. Con. Res. 375, to honor the goal of the International Year of Astronomy; **Pages H6252–54**

Commemorating the 25th anniversary of the Space Foundation: H. Res. 1312, to commemorate the 25th anniversary of the Space Foundation; **Pages H6256–57**

Federal Ocean Acidification Research And Monitoring Act of 2008: H.R. 4174, amended, to establish an interagency committee to develop an ocean acidification research and monitoring plan and to establish an ocean acidification program within the National Oceanic and Atmospheric Administration; **Pages H6261–66**

Community Building Code Administration Grant Act of 2008: H.R. 4461, amended, to promote and enhance the operation of local building code enforcement administration across the country by establishing a competitive Federal matching grant program; **Pages H6266–69**

Asset Management Improvement Act of 2008: H.R. 6216, amended, to improve the Operating Fund for public housing of the Department of Housing and Urban Development; **Pages H6269–71**

Homes for Heroes Act of 2008: H.R. 3329, amended, to provide housing assistance for very low-income veterans, by a ⅔ yea-and-nay vote of 412 yeas to 9 nays, Roll No. 478; **Pages H6271–78, H6305**

America's Beautiful National Parks Quarter Dollar Coin Act of 2008: H.R. 6184, to provide for a program for circulating quarter dollar coins that are emblematic of a national park or other national site in each State, the District of Columbia, and each territory of the United States, by a ⅔ yea-and-nay vote of 419 yeas with none voting "nay", Roll No. 479; **Pages H6278–85, H6305–06**

Federal Land Assistance, Management and Enhancement Act: H.R. 5541, amended, to provide a supplemental funding source for catastrophic emergency wildland fire suppression activities on Department of the Interior and National Forest System lands and to require the Secretary of the Interior and the Secretary of Agriculture to develop a cohesive wildland fire management strategy; **Pages H6285–91**

Commending the firefighters from California and throughout the United States for their courageous actions and sacrifices in fighting the California wildfires: H. Res. 1322, to commend the firefighters from California and throughout the United States for their courageous actions and sacrifices in fighting the California wildfires;

Pages H6291–93

DTV Transition Assistance Act: S. 2607, to make a technical correction to section 3009 of the Deficit Reduction Act of 2005–clearing the measure for the President; **Pages H6306–09**

Supporting the goals and ideals of "National Internet Safety Month": H. Res. 1260, to support the goals and ideals of "National Internet Safety Month"; and **Pages H6309–11**

Kenneth James Gray Post Office Building Designation Act: H.R. 6061, to designate the facility of the United States Postal Service located at 219 East Main Street in West Frankfort, Illinois, as the "Kenneth James Gray Post Office Building".

Pages H6311–12

Suspensions—Proceedings Postponed: The House debated the following measures under suspension of the rules. Further proceedings were postponed:

Celebrating the 25th anniversary of the first American woman in space, Dr. Sally K. Ride, and honoring her contributions to the space program and to science education: H. Res. 1313, to celebrate the 25th anniversary of the first American woman in space, Dr. Sally K. Ride, and to honor her contributions to the space program and to science education and **Pages H6254–56**

Commemorating the 50th Anniversary of the National Aeronautics and Space Administration: H. Res. 1315, to commemorate the 50th Anniversary of the National Aeronautics and Space Administration. **Pages H6257–61**

Moment of Silence: The House observed a moment of silence in honor of the men and women in uniform who have given their lives in the service of our nation in Iraq and Afghanistan, their families, and all who serve in the armed forces. **Page H6294**

Electronic Message Preservation Act: The House passed H.R. 5811, to amend title 44, United States Code, to require preservation of certain electronic records by Federal agencies and to require a certification and reports relating to Presidential records, by a yea-and-nay vote of 286 yeas to 137 nays, Roll No. 477. **Pages H6238–43, H6293–H6305**

Agreed to the Davis (VA) motion to recommit the bill to the Committee on Oversight and Government Reform with instructions to report the same back to the House forthwith with an amendment, by a yea-and-nay vote of 419 yeas to 1 nay with 2 voting "present", Roll No. 476. Subsequently, Representative Clay reported the bill back to the House with the amendment and the amendment was agreed to.

Pages H6302–03

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Oversight and Government Reform now printed in the bill shall be considered as adopted. **Page H6295**

H. Res. 1318, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 229 yeas to 193 nays, Roll No. 475, after agreeing to order the previous question by a recorded vote of 228 ayes to 193 noes, Roll No. 474.

Pages H6238, H6293–94

Expressing the sense of the House of Representatives that there should be an increased commitment supporting the development of innovative advanced imaging technologies for prostate cancer detection and treatment—corrected text: Agreed by unanimous consent that H. Res. 353, to express the sense of the House of Representatives that there should be an increased commitment supporting the development of innovative advanced imaging technologies for prostate cancer detection and treatment, be considered to have been adopted with the corrected text that was placed at the desk, and that the resolution be re-engrossed in that corrected form. **Page H6311**

Senate Messages: Messages received from the Senate today appear on pages H6294 and H6305.

Quorum Calls Votes: Five yea-and-nay votes and one recorded vote developed during the proceedings of today and appear on pages H6293–94, H6294, H6303, H6304, H6305 and H6305–06. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 10:50 p.m.

Committee Meetings

COMMODITY EXCHANGE ACT AMENDMENTS

Committee on Agriculture: Held a hearing to review legislation amending the Commodity Exchange Act. Testimony was heard from Representatives Matheson, Van Hollen, DeLauro, Stupak, Larson of Connecticut, and Welch of Vermont.

Hearings continue tomorrow.

IRAQI SECURITY FORCES DEVELOPMENT

Committee on Armed Services: Held a hearing on an update on efforts to develop and support the Iraqi Security Forces. Testimony was heard from the following officials of the Department of Defense: LTG James Dubik, USA, Commander, Multi Security Transition Command—Iraq; and Christopher Straub, Deputy Assistant Secretary, Middle Eastern Affairs, Office of the Secretary.

DEFENSE LANGUAGE/CULTURAL AWARENESS

Committee on Armed Services: Subcommittee on Oversight and Investigations held a hearing on Defense Language and Cultural Awareness Transformation: To What End? At What Cost? Testimony was heard from public witnesses.

FOOD PRICES' CHILD NUTRITION IMPACTS

Committee on Education and Labor: Held a hearing on the Rising Cost of Food and Its Impact on Federal Child Nutrition Programs. Testimony was heard from the following officials of the USDA: Kate Houston, Deputy Under Secretary, Food, Nutrition and Consumer Services; and Ephraim Leibtag, Economist; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Energy and Commerce: Subcommittee on Health approved for full Committee action the following bills: H.R. 2851, amended, Michelle's Law; H.R. 6432, Animal Drug User Fee Amendments of 2008; and H.R. 6433, Animal Generic Drug User Fee Act of 2008.

MISCELLANEOUS MEASURES

Committee on Financial Services: Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises approved for full Committee action the following: H.R. 5840, amended, Insurance Information Act of 2008; H.R. 5792, amended, Increasing Insurance Coverage Options for Consumers Act of 2008; H.R. 5611, amended, National Association of Registered Agents and Brokers Reform Act of 2008; and the Securities Act of 2008.

HOUSING/COMMUNITY DEVELOPMENT PROGRAMS

Committee on Financial Services: Subcommittee on Housing and Community Opportunity held a hearing entitled "Federal Spending Requirements in Housing and Community Development Programs: Challenges in 2008 and Beyond." Testimony was heard from Dominique Blom, Deputy Assistant Secretary, Office of Public Housing Investments, Department of Housing and Urban Development; and public witnesses.

U.S. POLICY TOWARD IRAN

Committee on Foreign Affairs: Held a hearing on U.S. Policy Toward Iran. Testimony was heard from William J. Burns, Under Secretary, Political Affairs, Department of State.

EUROPE-ISRAEL DIPLOMACY

Committee on Foreign Affairs: Subcommittee on Europe and the Subcommittee on the Middle East and South Asia held a joint hearing on Europe and Israel: Strengthening the Partnership. Testimony was heard from public witnesses.

POST-9/11—PROTECTING MASS GATHERINGS

Committee on Homeland Security: Held a hearing entitled "The Challenge of Protecting Mass Gatherings in a Post-9/11 World." Testimony was heard from the following officials of the Department of Homeland Security: COL Robert B. Stephan, USAF (Ret.), Assistant Secretary, Infrastructure Protection; and VADM Roger R. Rufe, Jr., USCG (Ret.), Director, Operations Directorate; SGT Scott McCartney, Office of the Governor, State of California; and public witnesses.

FORMALDEHYDE IN FEMA TRAILERS

Committee on Oversight and Government Reform: Held a hearing on Manufacturers of FEMA Trailers and Elevated Formaldehyde Levels. Testimony was heard from Michael McGeehin, Director, Environmental Hazards and Health Effects, National Center for Environmental Health, Centers for Disease Control and Prevention, Department of Health and Human Services; and public witnesses.

TRUCK WEIGHTS AND LENGTHS REGULATIONS

Committee on Transportation and Infrastructure: Subcommittee on Highways and Transit held a hearing on Truck Weights and Lengths: Assessing the Impacts of Existing Laws and Regulations. Testimony was heard from Jeffrey F. Paniati, Executive Director, Federal Highway Administration, Department of Transportation; David Cole, Commissioner, Department of Transportation, State of Maine; Jeff G. Honefanger, Manager, Special Hauling Permits, Department of Transportation, State of Ohio; and public witnesses.

TREATING PTSD WITH SUICIDE-INDUCING DRUGS

Committee on Veterans' Affairs: Held a hearing on Why Does the VA Continue to Give a Suicide-Inducing Drug to Veterans with PTSD? Testimony

was heard from the following officials of the Department of Veterans Affairs: James B. Peake, M.D., Secretary; and John D. Daigh, Jr., M.D., Assistant Inspector General, Health Care Inspections, Office of Inspector General; Paul Seligman, M.D., Associate Director, Safety Policy and Communication, Center for Drug Evaluation and Research, FDA, Department of Health and Human Services; and public witnesses.

COLUMBIA HOSTAGE SITUATION

Permanent Select Committee on Intelligence: Meet in executive session to receive a briefing on Colombia Hostage Situation. The Committee was briefed by departmental witnesses.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR THURSDAY, JULY 10, 2008

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: business meeting to mark up proposed legislation making appropriations for fiscal year 2009 for the Department of Transportation, Department of Housing and Urban Development, and related agencies, Energy and Water Development, and Financial Services and General Government, 2 p.m., SD–106.

Committee on Environment and Public Works: Subcommittee on Clean Air and Nuclear Safety, to hold oversight hearings to examine the Environmental Protection Agency (EPA), focusing on implementing the renewable fuel standard, 10 a.m., SD–406.

Committee on Finance: to hold hearings to examine issues and options for the transportation infrastructure, 10 a.m., SD–215.

Committee on Foreign Relations: to hold hearings to examine protocol Amending the Convention Between the United States of America and Canada with Respect to Taxes on Income and on Capital done at Washington on September 26, 1980, as Amended by the Protocols done on June 14, 1983, March 28, 1984, March 17, 1995, and July 29, 1997, signed on September 21, 2007, at Chelsea (the "proposed Protocol") (Treaty Doc. 110–15), Convention Between the Government of the United States of America and the Government of Iceland for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, and accompanying Protocol, signed on October 23, 2007, at Washington, D.C. (Treaty Doc. 110–17), Convention Between the Government of the United States of America and the Government of the Republic of Bulgaria for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion With Respect to Taxes on Income, with accompanying Protocol, signed at Washington on February 23, 2007 (the "Proposed Treaty"), as well as the Protocol Amending the Convention Between the Government of the United States of America and the Government of the Republic of Bulgaria for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion With Respect to Taxes on Income, signed at Sofia on February 26, 2008 (Treaty Doc. 110–18), and certain other pending treaties, 2:30 p.m., SD–419.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine the roots of violent Islamist extremism and efforts to counter it, 9:30 a.m., SD–342.

Committee on the Judiciary: to hold hearings to examine passport files, focusing on privacy protection for all Americans, 10 a.m., SD–226.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

House

Committee on Agriculture, to continue hearings to review legislation amending the Commodity Exchange Act, 10 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, on the CFTC, 11 a.m., 2362–A Rayburn.

Committee on Armed Services, hearing on Threat posed by Electromagnetic Pulse Attack, 10 a.m., 2118 Rayburn.

Subcommittee on Air and Land Forces, hearing on the source selection and path forward regarding the Air Force KC–(X) Program, 2 p.m., 2118 Rayburn.

Subcommittee on Military Personnel, hearing on oversight and status of POW-MIA activities, 2 p.m., 2212 Rayburn.

Committee on Energy and Commerce, Subcommittee on Energy and Air Quality, hearing on H.R. 6258, Carbon Capture and Storage Early Deployment Act, 10 a.m., 2123 Rayburn.

Committee on Financial Services, hearing entitled "Systemic Risk and the Financial Markets," 10 a.m., 2128 Rayburn.

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, hearing on the Politicization of the Justice Department and Allegations of Selective Prosecution, 10 a.m., 2141 Rayburn.

Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law, to mark up H.R. 6034, To amend the Immigration and Nationality Act to provide for relief to surviving spouses and children; and to consider private relief measures, 1 p.m., 2141 Rayburn.

Committee on Natural Resources, Subcommittee on Fisheries, Wildlife and Oceans, oversight hearing entitled "Going, Going, Gone? An Assessment of the Global Decline in Bird Populations," 10 a.m., 1334 Longworth.

Subcommittee on National Parks, Forests and Public Lands, hearing on the following bills: H.R. 160, Revolutionary War and War of 1812 Battlefield Protection Act; H.R. 1847, National Trails System Willing Seller Act; H.R. 2933, Civil War Battlefield Preservation Act of 2007; H.R. 3299, To provide for a boundary adjustment and land conveyance involving Roosevelt National Forest,

Colorado, to correct the effects of an erroneous land survey that resulted in approximately 7 acres of the Crystal Lakes Subdivision, Ninth Filing, encroaching on National Forest System land; H.R. 3336, Camp Hale Historic District Study Act; H.R. 3849, Box Elder Utah Land Conveyance Act; H.R. 5263, Forest Landscape Restoration Act; H.R. 5751, Walnut Canyon Study Act of 2008; and H.R.6177, Rio Grande Wild and Scenic River Extension Act of 2008, 10 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, Subcommittee on Federal Workforce, Postal Service, and the District of Columbia, hearing on Investing in the Future: Minority Opportunities and the TSP, 10 a.m., 2154 Rayburn.

Subcommittee on Information Policy, Census, and National Archives, hearing on 2010 Census: Using the Communication Campaign to Effectively Reduce the Undercount, 2 p.m., 2154 Rayburn.

Committee on Science and Technology, Subcommittee on Energy and Environment, hearing on Harmful Algal Blooms: The Challenges on the Nation's Coastlines, 10 a.m., 2318 Rayburn.

Committee on Small Business, hearing on the Role of Green Technologies in Spurring Economic Growth, 10 a.m., 1539 Longworth.

Committee on Veterans' Affairs, Subcommittee on Economic Opportunity, hearing on Independent Living, 1 p.m., 334 Cannon.

Subcommittee on Health, to mark up the following bills: H.R. 1527, Rural Veterans Access to Care Act; H.R. 6114, Simplifying and Updating National Standards to Encourage Testing of the Human Immunodeficiency Virus of 2008; H.R. 6122, Veterans Pain Care Act of 2008; H.R. 6366, Veterans Revenue Enhancement Act of 2008; H.R. 6439, Mental Health for Heroes' Families Act of 2008; and H.R. 6445, To amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from collecting certain copayments from veterans who are catastrophically disabled, 10 a.m., 334 Cannon.

Permanent Select Committee on Intelligence, Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence, executive, briefing on IC HUMINT, 2 p.m., H–405 Capitol.

Select Committee on Energy Independence and Global Warming, hearing entitled ''Global Warming Effects on Extreme Weather,'' 1:30 p.m., 210 Cannon.

Joint Meetings

Joint Economic Committee: to hold hearings to examine public pension plans, focusing on the need to strengthen retirement security and economic growth, 10 a.m., SD–106.

Next Meeting of the SENATE

9:30 a.m., Thursday, July 10

Senate Chamber

Program for Thursday: Senate will continue consideration of the amendment of the House of Representatives to H.R. 3221, Foreclosure Prevention Act, and vote on the motion to invoke cloture on the motion to disagree to the amendments of the House, adding a new title and inserting a new section, to the amendment of the Senate to the bill.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, July 10

House Chamber

Program for Thursday: Consideration of H.R. 1286—Washington-Rochambeau Revolutionary Route National Historic Trail Designation Act (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

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